RIVERDALE CITY PLANNING COMMISSION AGENDA
AMENDED
CIVIC CENTER - 4600 S. WEBER RIVER DR.
TUESDAY – JUNE 9, 2015

6:00 p.m. – Work Session (City Council Conference Room)
The purpose of the work session is to review maps, plans, paperwork, etc. No motions or
decisions will be considered during this session, which is open to the public.

Planning Commission Work Session Items
- Planning Commission Training to be determined

6:30 p.m. – Planning Commission Meeting (Council Chambers)
A. Welcome & Roll Call
B. Open Communications
   (This is an opportunity to address the Planning Commission regarding your
   concerns or ideas. Please try to limit your comments to three minutes.)
C. Presentations and Reports
D. Consent Items
   1. Consideration of meeting minutes from:
      May 12, 2015 Work Session
      May 12, 2015 Planning Commission
E. Action Items
   1. Consideration of recommendation to City Council for Good Foundations
      Academy Site Plan Amendment located at 5101 South 1050 West
      Petitioner: Good Foundations Academy (represented by Brett Ormsby – Peck
      Ormsby Construction)
   2. Consideration of an infill lot development of property located at 4562 South
      1150 West
      Petitioner: Chet VanOrden
F. Discretionary Items
G. Adjournment

- The public is invited to attend all Planning Commission meetings.
- In compliance with the Americans with Disabilities Act, persons in need of special
  accommodation should contact the City Recorder at 394-5541 x 1232.
- This agenda has been properly posted and a copy provided to local news media.
AGENDA ITEM: D

SUBJECT: Consideration of meeting minutes from:
May 12, 2015 Work Session
May 12, 2015 Planning Commission

PETITIONER: City Recorder

ACTION REQUESTED BY PETITIONER: Approve minutes

INFORMATION: See attached minutes as follows:

May 12, 2015 Work Session

May 12, 2015 Planning Commission

BACK TO AGENDA
Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday **May 12, 2015** at 6:00 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

**Members Present:**
- Blair Jones, Chairman
- David Gailey, Commissioner
- Cody Hansen, Commissioner
- Lori Fleming, Commissioner

**Excused:**
- Steve Hilton
- Michael Roubinet

**Others Present:**
- Mike Eggett Community Development Director
- Lynette Limburg Administrative Assistant
- No members of the public.

Chairman Jones welcomed those present to the work session stating for the record all were in attendance with the exception of Steve Hilton and Michael Roubinet who were excused. He asked for any changes or corrections to the previous meeting minutes and none were noted.

Mike Eggett stated that At-Home continues with demolition and is in the reconstruction process. A new front doorway will be put in with a roofline design. A thirty thousand foot portion on the south end of the building is in the process of being brokered for another tenant.

A design review was held for Advanced Auto which will replace Nickelcade, everything looks good and the process is moving along on that project. Advanced Auto is big in the east and central part of the country. They are now moving into northern Utah. There is activity going on at the Crossing with a new tenant coming in. It will be a specialty retail business.

Chairman Jones asked if there were any changes or corrections to the consent items on the agenda. None were noted. He stated that the action item this evening is a public hearing and recommendation for a rezone request to R-1, R-2 or R-3 from Agricultural, A-1 for a parcel of land located at 4829 S. 1700 W. The applicants are Cole Eskelson and Jason Bickley who have an option to buy this parcel of land. It is currently zoned A-1, which with the size of the property (.52 acres) will not allow any development. The request is for R-2, R-3, or R-4, those sections of the code with the restrictions for each zone have been provided to the planning commission.

He noted that there is a duplex and several two family homes that are all owner occupied. The only larger multi family residence is the four-plex on the north corner of the area.
This makes most of the homes on the street non-conforming to the A-1 zone. He has received a letter from UDOT basically stating that no sound wall would be considered for the area. That letter is in the commissioners packets.

Commissioner Fleming stated that she found on a county web site that there are some parcels in the area zoned R-4. Mr. Eggett stated that he is sure they are all A-1. The city zoning map shows A-1, but he will look into it. He also noted that the discrepancies in zones would not affect the request and recommendation made tonight.

The public hearing has been noticed as required by state statute.

**Discretionary**
Commissioner Fleming has had a resident approach her with concerns about the Bravo Arts Academy opening and the traffic it may generate on Ritter Dr. Commissioner Fleming told the resident that this concern is really not one the Planning Commission can do anything with and suggested that they talk to a Councillmember about their concerns.

Commissioner Hansen noted that Bravo will not have traffic like Good Foundations School does. It is a day care and people come and go at different times of the day. Mr. Eggett noted that the city is aware that having Bravo and Harley Davidson in the area will be somewhat of an impact and possible solutions to alleviate any traffic problems are being discussed.

Mr. Eggett made the commissioners aware that the city has received a letter of resignation from the city recorder, Ember Herrick.

**There being no further business the planning commission work session adjourned at 6:20**
Minutes of the Regular Meeting of the Riverdale City Planning Commission held Tuesday May 12, 2015 at 6:30 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present:

Blair Jones, Chairman
David Gailey, Commissioner
Cody Hansen, Commissioner
Lori Fleming, Commissioner
Kathy Eskelsen, Commissioner

Excused:

Steve Hilton, Commissioner
Michael Roubinet, Commissioner

Others Present:

Mike Eggett Community Development Director, Lynette Limburg Administrative Assistant and members of the public: John Cypers, Jason Bickley, Jason Stimpson, Tia Stimpson, Stephen Peterson, Ember Herrick, Heidi Herrick, David Ivie, Richard Ivie, Alvin Kunau, Loren Kunau, Charles Roberts, Joseph Gracey

A. Welcome & Roll Call
Chairman Jones welcomed everyone to the meeting and stated for the record that all of the Planning Commission members were present with the exception of commissioners Michael Roubinet and Steve Hilton who were excused.

B. Open Communications
Chairman Jones asked for any open communications. There were none.

C. Presentations & Reports
Mr. Eggett stated that:
AtHome continues to progress in their renovation.
Advanced Auto Parts is moving forward in the process to move into the building currently occupied by Niclecade.
Bravo Arts Academy is also progressing as is the Riverdale business Park.

D. Consent Items
1. Consideration of meeting minutes
   April 14, 2015 Work Session
   April 14, 2015 Planning Commission
Chairman Jones asked for any additions or corrections to the minutes and none were noted.

   Motion: Commissioner Eskelsen moved to approve the consent items.
Commissioner Gailey seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

D. Action Items

1. a. Public hearing to receive and consider public comment on a proposed Rezone request from A-1 to R-2, R-3, or R-4 for a parcel of land located at 4829 S. 1700 W.

   b. Consideration of a proposed Rezone request from A-1 to R-2, R-3, or R-4 for a parcel of land located at 4829 S. 1700 W

Chairman Jones asked Mr. Eggett to review briefly the property to be discussed this evening. Mr. Eggett stated that the property is currently under the ownership of Cecil and Sheila Roberts. It is located at 4829 S 1700 W. which is currently zoned Agricultural A-1. Under its current zone it does not have the acreage to be developed. The property to the south at some point was separated from this property. He noted that a rezone was not in agreement with the general plan as it is in a residential-low density section. He noted that any future development plans would require a subdivision process as noted in City Code 10-21, 10-24, & 10-25.

He noted that R-2 would allow a single family with a rental or a duplex but it would need to look like a traditional home and be owner occupied.

He stated that R3 zoning would allow up to 24 units and requires 40% open green space and 40% building area leaving 20% for hardscape (parking).

He stated that R4 zoning would also allow up to 24 units that can be a bit smaller than in R-3. There is a change in the coverage percent with the building area at 50%, open space at 30% and 20% hard scape.

He stated that any R-2 use on the property for rental use of a residence would also be a conditional use and would have to follow that process for approval of a rental unit in a residence built on this property.

Mr. Eggett then noted that tonight’s public hearing was properly posted and noticed in accordance with state law and Chairman Jones opened the public meeting.

The following members of the public spoke:

John Cypers 4875 S 1700 W stated that he had lived there for 43 years. He noted that there are three homes on the street that are multi-family, his being one of them. He also state that they are all owner occupied. He stated that this is an agricultural area and there has been no new construction for years and he likes it that way. He said that he has heard that the property won’t sell unless it is rezoned for more than one home. In his opinion the property hasn’t sold because the Roberts are asking too much for the property. He personally knows of several people interested in buying but the price was too high. He feels that there is no compromise either the neighborhood interest or the applicant interests are going to be met. It can’t go both ways. He realizes that you can’t stop the clock but he hopes the city will take this opportunity to cater to or go with the wishes of
those on the street who have lived there a long time rather than go with the new people wanting to make changes.

Charles Roberts, lawyer for the Roberts family, he is also their son and grew up on this street. He noted that this lot is right next to the freeway with railroad behind the lot, the airport to the north and HAFB to the south. There is also a warehouse which houses a church just to the north. He also stated that there has been no new building on the street for years and the location may contribute to that. He counts 4 multi-family units and cannot see the impact of one more. He states that there is no interest in the property unless it is rezoned to allow development of some kind. He would ask the commission to recommend a rezone.

Ember Herrick 4931 S. 1700 W. stated that she and her sister Heidi bought her grandmother’s house and orchard several years ago and they have focused on improving the north end of the property, they will work on the south end in the future. The freeway does not bother them they love where they are. She feels that if there is a multifamily dwelling it should be owner occupied in order to maintain the property. When she bought her property they cleaned up the orchard cutting down all the weeds and discovered that they had problems with vagrants littering and loitering on her property. She also stated that children from the apartments to the west have no place to play so they come across the tracks and play on her property. When they would chase them off she said that they headed across the tracks toward the apartments in Roy. She also noted that the four-plex down the street was cleaned up and the front yard looks better but they don’t maintain the back yard. She provided pictures of the area which included the warehouse with four tenants. One of the tenants is a church and when they have any activities it creates litter and traffic congestion on her street. She would prefer to see a single family dwelling on the street rather than multi-unit housing. She hopes that that the commission will consider the needs of the community.

Heidi Herrick 4931 S 1700 S noted that the current zone is A-1 and she would like to see the zone stay the same. She has seen many problems with multi-family housing and in her opinion this is not a good fit for the area. She states that currently she has numerous problems on her property from litter to stealing fruit that has cost her 1000’s of dollars. Her property has been in the family for 75 years and she does not want any changes that may negatively affect the neighborhood. All the neighbors on the street are friends and she wants to keep the area the way it is with no changes.

Joe Gracey 4984 S 1700 W moved in 10 years ago and he likes the freeway. He likes driving down the street seeing people taking care of their property. Please keep it the way it is and sell the property for a single family dwelling.

Jason Bickley, applicant for Rezone, stated that he and his partner Cole Eskelson are looking in Riverdale to own rental properties. They are not developers but have chosen to invest their money in rentals. They own a few properties and they take pride in the appearance of what they own. He realizes that there are apartments to the west and children that may wander should not have a bearing on the decision to rezone the
property or not. He would recommend a rezone of the property so that it can be developed in one way or another.

Jason Stimpson 4891 S 1700 W. stated that his grandfather built the house he lives in and he love the neighborhood, keep it the way it is.

Brent Ellis 4804 S 1500 W. spoke about it being interesting that when the four-plex was built on the corner the strongest opponent was Cecil Roberts. Now Mr. Roberts wants a rezone so he can sell his property. Mr. Ellis thinks that a single family dwelling would be best.

Richard Ivie 4851 S 1700 W stated that he lives next door to John Cypers and the neighbors are like family. It is an ideal place to live and he does not want it changed. He has watched people come across the tracks from Roy and just wander around. He asked that everything be kept as it is.

David Ivey stated that his father owns the duplex on the street. Several years ago when he (David) asked Mr. Roberts what he wanted for his property he was told $70,000. He wants to see it left alone, leave it A-1

There were no other members of the audience requesting to speak.

**Motion:** Commissioner Eskelsen moved to close the public hearing.
Commissioner Fleming seconded the motion

There was no discussion on the motion

**Call the Question:** The motion passed unanimously

Mr. Eggett stated again that the property as currently zoned has no potential of development. With an R-2 zone there would be the possibility of a single family dwelling or single family with apartment or a duplex. A two family dwelling would become a conditional use and have to qualify with certain criteria one being that it is owner occupied.

Mr. Hansen asked about the zone discrepancy mentioned in the work session that shows a parcel in the area being R-4. Mr. Eggett stated that he is sure that is an error and he will check with the county on that. He also stated that the discrepancy should not have an effect on any decisions made this evening. He is certain that the area in question along 1700 West, per City records, is A-1.

Commissioner Fleming clarified that if nothing is done with the zone the city is basically tying the hands of the owner to do anything with his property. Mr. Eggett concurred with that statement.
Mr. Hansen said that based comments this evening and the General Plan and respect to the wishes of the land owner he would be comfortable with an R-2 zone recommendation.

Mr. Bickley, the applicant, was asked what his intention was for developing this parcel. Mr. Bickley stated that neither he nor Mr. Eskelson planned to live in the area. They both have their own homes and their intention was not to occupy a residence built on this property.

Chairman Jones noted that there are a lot of rental properties in Riverdale and he is inclined to recommend an R-2 Zone. Commissioner Eskelsen agreed with the R-2 recommendation.

**Motion:** Commissioner Hansen moved to send a favorable recommendation to the City Council of a proposed Rezone request from A-1 to R-2, for a parcel of land located at 4829 S. 1700 W. Commissioner Fleming seconded the motion.

There was no discussion on the motion

**Call the Question:** The motion passed unanimously

**E. Discretionary Items**
Commissioner Hansen wanted to publicly thank Councilor Staten and his family for the work they did on putting the new bike park together. They did a really nice job.

Commissioner Gailey thanked those who came to express their feelings on the matter at hand this evening.

**F. Adjournment**

**Motion:** There being no further business to come before the Planning Commission, Commissioner Fleming moved to adjourn the meeting. Commissioner Eskelsen seconded the motion. The motion passed unanimously. The meeting adjourned at 7:10 p.m.

Approved: May 26, 2015

Attest: Blair Jones, Chairman

Lynette Limburg
Administrative Assistant
AGENDA ITEM: E1

SUBJECT: Consideration of recommendation to City Council for Good Foundations Academy Site Plan Amendment located at 5101 South 1050 West

PETITIONER: Good Foundations Academy (represented by Brett Ormsby – Peck Ormsby Construction)

INFORMATION:

- Executive Summary
- USC 10-9a-305 Charter Schools
- Departmental Staff Reports – GFA Site Amended
- GFA Site Amended Application
- GFA Site Amended Plans
- GFA Elevations Amended

BACK TO AGENDA
Planning Commission
Executive Summary

For the Commission meeting on: 6-9-2015
Petitioner: Good Foundations Academy (represented by Brett Ormsby - Peck Ormsby Construction)

Summary of Proposed Action

Petitioner Good Foundations Academy has requested a site plan amendment to their property located at approximately 5101 South 1050 West. The property contains approximately 4.31 acres of land in an Agricultural A-1 Zone. Some demolition and preparatory work has taken place on the site in anticipation of progressing forward with the site plan amendment. A public hearing is not required for this request. Following discussion of the request, the Planning Commission may make act accordingly to recommend City Council approval of the request as submitted, recommend City Council approval of the request with any additional conditions and requirements, or not recommend City Council approval of the site plan development request with sufficient findings of fact to support the action.

Title 10 Ordinance Guidelines (Code Reference)

This site plan amendment request is regulated under City Code 10-8 "Agricultural Zones (A-1, A-2)", 10-14 "Regulations Applicable to All Zones", and 10-25 "Development in All Zones" in addition to Fire Codes noted in the attached Departmental Staff report document by the Fire Department. Additionally, Charter School construction is regulated in the Utah State Code in sections 53A-20-108 and 10-9a-305 respectively (see attached Utah State Code section 10-9a-305 for use by the Planning Commission). These sections of Utah State Code outline the amount of local jurisdiction involvement allowed in a site plan and development review of any charter school development project. The review for these types of projects is significantly scaled back in comparison to other site plan development reviews.

The development lot is currently owned by Good Foundations Academy and went through a subdivision process a few months ago in order to accommodate the currently requested additions to the facilities. There also has occurred a miscommunication situation and, as a result, some demolition and preparatory work has commenced on the site.

The appropriate supporting documentation has been submitted and provided to the Planning Commission for your review (please see attached proposal documentation and reports for more). Comments reflecting departmental concerns, requested conditions, and other comments are attached on the document entitled "Departmental Staff Reports". Due to the concise nature of the review, there was an abbreviated review completed by the Community Development Report, as included on the "Departmental Staff Reports" page.

Staff would encourage the Planning Commission to review this matter, including concerns outlined herein, and then discuss with the petitioner any concerns that may arise in this matter. Staff would then recommend that the Planning Commission act accordingly to recommend City Council approval of the request as submitted, recommend City Council approval of the request with any additional conditions and requirements, or not recommend City Council approval of the site plan development request with sufficient findings of fact to support the action.

Below are excerpts from City Codes (as listed above) that have direct application to this rezone request:

Title 10 Chapter 8:
Chapter 8
AGRICULTURAL ZONES (A-1, A-2)

10-8-1: PURPOSE AND INTENT:

The purpose of the agricultural zones is to designate land areas that are currently used for farming or as a temporary holding zone that may undergo the possibility of a more intensive urban type of development and to set up guidelines to continue agricultural pursuits, including the keeping of farm animals, and to direct orderly low density residential development in a continuing rural environment. (Ord. 762, 7-6-2010)

10-8-2: PERMITTED USES IN THE A-1 ZONE:

Accessory building for nonconforming lots and lots having less than two (2) acres shall comply with subsection 10-14-5B of this title. For all lots with more than two (2) acres: Accessory buildings that are greater than one thousand (1,000) square feet and higher than twenty feet (20') but shall not occupy more than twenty five percent (25%) of the total lot area.

Agriculture.

Animals or fowl kept for family food production.

Cemetery.

Church, synagogue or similar permanent building used for regular religious worship.

Cluster subdivision in accordance with chapter 23 of this title.

Corral, stable or building for keeping animals or fowl, provided such use shall be located not less than one hundred feet (100') from a public street and any such building shall be located not less than twenty five feet (25') from any side or rear lot line.

Educational institution.

Fruit or vegetable stand for fruit or vegetables produced only on the premises.

Golf course, except miniature golf course.

Home occupation.

Horses for private use only; and provided, that not more than two (2) horses may be kept for each one acre within any lot.

Household pets. If any individual property owner or renter requests more than two (2) dogs, a regulatory permit provided by animal control services must be obtained.

Parking lot accessory to uses permitted in this zone.

Private park, playground or recreation area, but not including privately owned commercial amusement business.

Public building, public park, recreation grounds and associated buildings.

Single-family dwellings and guest homes.

Temporary buildings or use incidental to construction work. Such building shall be removed upon
10-8-5: SITE DEVELOPMENT STANDARDS:

<table>
<thead>
<tr>
<th></th>
<th>Permitted Uses</th>
<th>Permitted And Conditional Uses Requiring 2 Acres Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>40,000 square feet</td>
<td>2 acres</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>150 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>Minimum yard setbacks:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Side dwelling</td>
<td>10 feet with total width of 2 side yards not less than 24 feet</td>
<td></td>
</tr>
<tr>
<td>Other main building</td>
<td>20 feet each side</td>
<td>20 feet each side</td>
</tr>
<tr>
<td>Accessory building side setback</td>
<td>10 feet from side property line except 1 foot if located at least 6 feet in rear of main building and shall be at least 20 feet from main building on adjacent lots</td>
<td></td>
</tr>
<tr>
<td>Side; facing street on corner lot</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Rear main building</td>
<td>30 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>Accessory building rear setback</td>
<td>10 feet where accessory building rears on side yard of adjacent corner lot or 1 foot from rear property line if located 6 feet from rear of main building provided that the structure be at least 20 feet from main building on adjacent lot</td>
<td>If a dwelling has an existing detached accessory building in the rear yard, and the property owner wants to add on to the dwelling (after fire department review); the new addition must be a minimum of 8 feet from the accessory building, and the new addition shall meet the minimum rear yard requirements. The opposing side yard must meet minimum side yard requirements and be open at all times to rear yard access</td>
</tr>
<tr>
<td>Building height:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td>1 story</td>
<td>1 story</td>
</tr>
<tr>
<td>Maximum</td>
<td>2½ stories or 35 feet</td>
<td>2½ stories or 35 feet</td>
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</tbody>
</table>
### General Plan Guidance (Section Reference)

Listed as "Institutional" use on the Land Use Master Plan.

### Legal Comments - City Attorney

Steve Brooks, Attorney

### Administrative Comments - City Administrator

Rodger Worthen, City Administrator
10-9a-305 Other entities required to conform to municipality’s land use ordinances -- Exceptions -- School districts and charter schools -- Submission of development plan and schedule.

(1) 
(a) Each county, municipality, school district, charter school, local district, special service district, and political subdivision of the state shall conform to any applicable land use ordinance of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality. 
(b) In addition to any other remedies provided by law, when a municipality’s land use ordinance is violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2) 
(a) Except as provided in Subsection (3), a school district or charter school is subject to a municipality’s land use ordinances. 
(b) 
(i) Notwithstanding Subsection (3), a municipality may:  
(A) subject a charter school to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and  
(B) impose regulations upon the location of a project that are necessary to avoid unreasonable risks to health or safety, as provided in Subsection (3)(f).  
(ii) The standards to which a municipality may subject a charter school under Subsection (2)(b)(i) shall be objective standards only and may not be subjective.  
(iii) Except as provided in Subsection (7)(d), the only basis upon which a municipality may deny or withhold approval of a charter school’s land use application is the charter school’s failure to comply with a standard imposed under Subsection (2)(b)(i).  
(iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of an obligation to comply with a requirement of an applicable building or safety code to which it is otherwise obligated to comply.  

(3) A municipality may not:
(a) impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, municipal building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;  
(b) except as otherwise provided in this section, require a school district or charter school to participate in the cost of any roadway or sidewalk, or a study on the impact of a school on a roadway or sidewalk, that is not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;  
(c) require a district or charter school to pay fees not authorized by this section;  
(d) require a district or charter school to pay fees not authorized by this section;  
(e) require a district or charter school to pay any impact fee for an improvement project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact Fees Act;
(f) impose regulations upon the location of an educational facility except as necessary to avoid unreasonable risks to health or safety; or

(g) for a land use or a structure owned or operated by a school district or charter school that is not an educational facility but is used in support of providing instruction to pupils, impose a regulation that:

(i) is not imposed on a similar land use or structure in the zone in which the land use or structure is approved; or

(ii) uses the tax exempt status of the school district or charter school as criteria for prohibiting or regulating the land use or location of the structure.

(4) Subject to Section 53A-20-108, a school district or charter school shall coordinate the siting of a new school with the municipality in which the school is to be located, to:

(a) avoid or mitigate existing and potential traffic hazards, including consideration of the impacts between the new school and future highways; and

(b) maximize school, student, and site safety.

(5) Notwithstanding Subsection (3)(d), a municipality may, at its discretion:

(a) provide a walk-through of school construction at no cost and at a time convenient to the district or charter school; and

(b) provide recommendations based upon the walk-through.

(6)

(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:

(i) a municipal building inspector;

(ii)

(A) for a school district, a school district building inspector from that school district; or

(B) for a charter school, a school district building inspector from the school district in which the charter school is located; or

(iii) an independent, certified building inspector who is:

(A) not an employee of the contractor;

(B) approved by:

(I) a municipal building inspector; or

(II)

(Aa) for a school district, a school district building inspector from that school district; or

(Bb) for a charter school, a school district building inspector from the school district in which the charter school is located; and

(C) licensed to perform the inspection that the inspector is requested to perform.

(b) The approval under Subsection (6)(a)(iii)(B) may not be unreasonably withheld.

(c) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and municipal building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.

(7)

(a) A charter school shall be considered a permitted use in all zoning districts within a municipality.

(b) Each land use application for any approval required for a charter school, including an application for a building permit, shall be processed on a first priority basis.

(c) Parking requirements for a charter school may not exceed the minimum parking requirements for schools or other institutional public uses throughout the municipality.
(d) If a municipality has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school provides a waiver.

(e)  
(i) A school district or a charter school may seek a certificate authorizing permanent occupancy of a school building from:
   (A) the state superintendent of public instruction, as provided in Subsection 53A-20-104(3), if the school district or charter school used an independent building inspector for inspection of the school building; or
   (B) a municipal official with authority to issue the certificate, if the school district or charter school used a municipal building inspector for inspection of the school building.
(ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53A-20-104(3)(a)(ii).
(iii) A charter school may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school used a school district building inspector for inspection of the school building.
(iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53A-20-104(3) or a school district official with authority to issue the certificate shall be considered to satisfy any municipal requirement for an inspection or a certificate of occupancy.

(8)  
(a) A specified public agency intending to develop its land shall submit to the land use authority a development plan and schedule:
   (i) as early as practicable in the development process, but no later than the commencement of construction, and
   (ii) with sufficient detail to enable the land use authority to assess:
      (A) the specified public agency’s compliance with applicable land use ordinances;
      (B) the demand for public facilities listed in Subsections 11-36a-102(16)(a), (b), (c), (d), (e),
      and (g) caused by the development;
      (C) the amount of any applicable fee described in Section 10-9a-510;
      (D) any credit against an impact fee; and
      (E) the potential for waiving an impact fee.
(b) The land use authority shall respond to a specified public agency’s submission under Subsection (8)(a) with reasonable promptness in order to allow the specified public agency to consider information the municipality provides under Subsection (8)(a)(ii) in the process of preparing the budget for the development.

(9) Nothing in this section may be construed to:
(a) modify or supersede Section 10-9a-304; or
(b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, or any other provision of federal law.
From: Shawn Douglas  
Sent: Mon 6/8/2015 2:55 PM  
To: Mike Eggett  
Subject: Good Foundations

Mike, I still have a concern on how the storm water on this redevelopment will be handled. I would be okay with the planning commission approving it, with the stipulation they satisfy the requirements in the storm water ordinance. Thanks. sd

From: Shawn Douglas  
To: Mike Eggett  
Subject: RE: Good Foundations Addition Plans and Specifications

Mike, I don’t see anything on the plans that shows they would be upgrading their storm water system which is required by our ordinance during a redevelopment. I also haven’t see them put in the items shown in their storm water prevention plan.

Mike, they should probably be looking at some type of oil water separator and detention on the storm water. Thanks. sd

Shawn Douglas

Public Works Director  
801/394/5541 ext.1217  
Sdouglas@rivedalecity.com

From: Matt Hennessy - Fire Department  
Sent: Sun 6/7/2015 10:52 PM  
To: Mike Eggett  
Cc: Randy Koger  
Subject: RE: 4562 S 1150 W Lot

Mike,
I have spoken with Randy Koger about the remodel and I echo Randy’s concerns with the turning radius. I believe this can be corrected by removing a parking stall or two if needed. Randy is aware of our needs and can make the recommendation regarding this issue so this process can be expedited if needed as he is in the office a little more than I am.
Let me know if you need anything further, Thanks.
From: Randy Koger  
Sent: Friday, June 05, 2015 11:53 AM  
To: Mike Eggett  
Cc: Matt Hennessy  
Subject: RE: Good Foundation Addition Plans and Specifications

Mike

Below is the area that Chief Hennessy and myself are most concerned about on the site plan. I would also ask that we require that this area be marked as fire lane so we do not have people parking past the stalls. I know that if it not marked they will park there.

---

503.1.2 Additional access.

The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
503.2 Specifications.

Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority.

The fire code official shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius.

The required turning radius of a fire apparatus access road shall be determined by the fire code official.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

503.4 Obstruction of fire apparatus access roads.

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

Randy S. Koger

Fire Inspector/Code Enforcement Officer
Riverdale City
801-436-1241
rkoger@riverdalecity.com

From: Casey Warren - Police Department Lieutenant
Sent: Fri 6/5/2015 11:14 AM
To: Mike Eggett  
Subject: RE: Good Foundations Addition Plans and Specifications

I reviewed the plans on behalf of the police department and I do not see any concerns.

Sergeant Casey Warren

Sent from my iPhone

--------------------------------------------------------------------------------

Mike Eggett Comments – Community Development Review of Zoning

- Lot size requirement of 40,000 square feet is met  
- Frontage requirement of 150 feet is met  
- Setbacks for main structure:
  - 30 foot front appears to be met, no change to front of current building  
  - 20 foot side is met on south side; 20 foot side on north side appears to not be met in back northwestern corner of addition footprint; this has been shared with contractor and working on an as built solution to this setback issue in the northwestern most corner; distance numbers not shown on drawings  
  - 30 foot rear appears to be met but distance number not shown  
- Height maximum for main structure is 2½ stories or 35 feet; proposed building height of addition structure is 28 feet
RIVERDALE CITY PLANNING COMMISSION
APPLICATION FOR COMMERCIAL-SUBDIVISION SITE PLAN APPROVAL
AMENDMENT

CASE NO: 2015-02 DATE SUBMITTED: 6-5-2015

APPLICANT'S NAME: GOOD FOUNDATIONS ACADEMY

ADDRESS: 5101 S. 1050 WEST

PHONE: 801-393-2950 TAX I.D. NO: 36-466 419-7

ADDRESS OF SITE: 5101 S. 1050 WEST

APPLICANT'S INTEREST: CONSTRUCTION/REMODEL

Application is hereby made to the Riverdale City Planning Commission requesting that a
commercial subdivision consisting of ______ lots be approved on _______ sq. ft. of
property in the A-1 Agricultural zone in accordance with the attached site plan.

[Signatures]

Signature of Applicant

Signature of Property Owner

I authorize PECK/FORSBY to act as my representative in all
matters relating to this application.

Signature of Property Owner

NOTE: A fee will be charged at the time the site plan is submitted for review - $50 per lot/unit
Fee: $50.00 Date paid: 6-5-2015

Planning Commission set public hearing: Yes □ No □ Date of Public Hearing: ______________
Planning Commission scheduled to hear this application for site plan approval on:
Date: ______________ Decision of Commission: _________________________
City Council scheduled to hear this application for site plan approval on:
Date: ______________ Decision of Council: _________________________

Riverdale City, Community Development – 4600 South Weber River Drive, Riverdale, Utah
801.394.5541 ext. 1240
XBP Confirmation Number: 9069149

Transaction detail for payment to Riverdale City.

<table>
<thead>
<tr>
<th>Account #</th>
<th>Item</th>
<th>Quantity</th>
<th>Item Amount</th>
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<tr>
<td>GOOD FOUNDATIONS</td>
<td>PlanDev Review</td>
<td>1</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

Transaction taken by: rboman

TOTAL: $50.00
GOOD FOUNDATIONS ACADEMY

BUILDING ADDITION
5101 South 1050 West, Riverdale, Utah

Architect, Mechanical, Electrical:
Case, Lowe and Hart, Inc.
2484 Washington Blvd. Ste 510
Ogden, Utah 84401

Structural:
ARW Engineers
Ogden, Utah

Civil:
Reeve & Associates
Ogden, Utah
AGENDA ITEM: E2

SUBJECT: 1. Consideration of an infill lot development of property located at 4562 South 1150 West

PETITIONER: Chet VanOrden

INFORMATION:

   Executive Summary

   Letter from Petitioner

   Plat Maps and Conceptual Drawings

   Departmental Staff Reports

BACK TO AGENDA
Petitioners Chet VanOrden has requested development of an infill lot (like a flag lot) in a Single-Family and Single-Family with Rental Unit Residential R-2 zone located at approximately 4562 South 1150 West. The property contains approximately 0.49 acres of land and has a 45 foot frontage connection to 1150 West; this frontage connection necks down to about 25 or so feet at its narrowest point which could accommodate the driveway to the majority of the lot (see the attached proposal documentation for more information). A public hearing is not required for this request and the Planning Commission, subject to Title 10, Chapter 12 “Infill Lots”, are the land use authority for this request. Following discussion of the request, the Planning Commission may make act accordingly to approve the request as submitted, approve the request with the imposition of additional conditions and requirements to grant the request, or deny the infill lot development request with sufficient findings of fact to support the action.

Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-9C “Single-Family and Single-Family with Rental Unit Residential Zone (R-2)”, 10-12 “Infill Lots”, and 10-14 “Regulations Applicable to All Zones” in addition to Fire Codes noted in the attached Departmental Staff report document by the Fire Department.

The infill lot development is currently owned by Wayne K and WF Lawanna Brown. Historically, this property was once part of the adjacent northerly property located at 4560 South 1150 West and currently owned by Robert D. Hill. At some point, these properties were subdivided and the lot in question was established with insufficient frontage for development purposes. Therefore, this infill lot development request is before the Planning Commission for review and consideration.

The appropriate supporting documentation has been submitted and provided to the Planning Commissioner for your review (please see attached proposal documentation and reports for more). The infill lot development consideration does require that specific requirements and conditions may be imposed upon the property “development as outlined by the Planning Commission, Department of Community Development, Fire Department, Department of Public Works, City Attorney, and City Administration” (Riv City Code 10-12-3(A)(9.). Comments reflecting departmental concerns, requested conditions, and other comments are attached on the document entitled “Departmental Staff Reports”.

Staff would encourage the Planning Commission to review this matter, including concerns outlined herein, and then discuss with the petitioners any concerns that may arise in this matter. Staff would then recommend that the Planning Commission act accordingly to approve the request as submitted, approve the request with the imposition of additional conditions and requirements to grant the request, or deny the infill lot development request with sufficient findings of fact to support the action.

Below are excerpts from City Codes (as listed above) that have direct application to this rezone request:

Title 10 Chapter 9 Article C:

ARTICLE C. SINGLE-FAMILY & SINGLE-FAMILY WITH RENTAL UNIT RESIDENTIAL ZONE (R-2)
10-9C-1: PURPOSE AND INTENT:
The purpose of the R-2 zone classification is to accommodate a need for low density residential districts incorporating both single-family dwelling units and single-family dwelling units with a residential rental unit. (1985 Code § 19-18-1; amd. 2001 Code)

10-9C-2: PERMITTED USES:
Accessory building and use that is incidental to a dwelling on the same lot or property and in compliance with all Riverdale City ordinances that regulate the use of accessory buildings.

Agriculture.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institution.

Golf course, except minature golf course.

Greenhouse, noncommercial only.

Household pets.

Parking lot accessory to uses permitted in this zone.

Public building, public park, public recreation grounds and associated buildings.

Single-family dwelling.

Temporary building and use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work. (1985 Code § 19-18-2; amd. Ord. 784, 4-19-2011)

10-9C-3: CONDITIONAL USES:
The following uses shall be permitted only when authorized by a conditional use permit as provided in chapter 19 of this title:

Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory staff housing, service shops and chapel.

Home occupation.

Private park, playground or recreation area, but not including privately owned commercial amusement business.

Public utility substation or water storage reservoir developed by a public agency.

Single rental unit created only by owner occupied homes, located within, underneath or above the primary single-family dwelling unit. Any conditionally permitted rental unit shall be incidental to the primary residential use and shall meet the following minimum standards:

The square footage of the rental unit shall not exceed fifty percent (50%) of the overall square footage of the dwelling structure;  

The rental unit shall be designed with a secondary entrance in a manner that the primary dwelling appears visually and functionally as if it were a single-family dwelling without a rental unit;  

The rental unit shall have its own off street parking provided on the primary dwelling premises. Exiting units
will be grandfathered until the property is sold and the new owner must be a residence of one of the units. (Ord. 655, 4-4-2006)

10-9C-4: SITE DEVELOPMENT STANDARDS:

<table>
<thead>
<tr>
<th>Minimum lot area:</th>
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<tbody>
<tr>
<td>One-family dwelling</td>
<td>8,000 square feet</td>
</tr>
<tr>
<td>One-family dwelling with rental unit</td>
<td>10,000 square feet</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Minimum lot width:</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>One-family dwelling</td>
<td>70 feet</td>
</tr>
<tr>
<td>One-family dwelling with rental unit</td>
<td>80 feet</td>
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</table>

<table>
<thead>
<tr>
<th>Minimum yard setbacks:</th>
<th></th>
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<tbody>
<tr>
<td>Front</td>
<td>25 feet except average of existing dwellings where 50 percent frontage is developed but not less than 20 feet</td>
</tr>
<tr>
<td>Side:</td>
<td></td>
</tr>
<tr>
<td>Main building</td>
<td>8 feet, with total width of 2 side yards of not less than 18 feet and 20 feet each side for other main buildings</td>
</tr>
<tr>
<td>Accessory building</td>
<td>8 feet, except 1 foot if located at least 6 feet in rear of main building; but not closer than 9 feet to dwelling on adjacent lot</td>
</tr>
<tr>
<td>Zero side yards</td>
<td>In accordance with subsection 10-14-4J of this title</td>
</tr>
<tr>
<td>Side; facing street on corner</td>
<td>20 feet, except average where 50 percent frontage is developed, but not less than 15 feet</td>
</tr>
<tr>
<td>Rear:</td>
<td></td>
</tr>
<tr>
<td>Main building</td>
<td>25 feet</td>
</tr>
<tr>
<td>Accessory building</td>
<td>When the accessory building is attached to the main building, in any manner whatsoever, then the minimum rear setback is 20 feet from the property line. When an accessory building is detached from the main building, and the accessory building is located at least 6 feet behind the main building, then the rear setback for the accessory building may be no less than 1 foot from the property line. If a dwelling has an existing detached accessory building in the rear yard, and the property owner wants to add on to the dwelling (after fire department review); the new addition must be a minimum of 8 feet from the accessory building, and the new addition shall meet the minimum rear</td>
</tr>
</tbody>
</table>
Title 10 Chapter 12:

INFill LOTS

10-12-1: PURPOSE:

To set forth the criteria, conditions and requirements necessary to allow for development of unique type lots that otherwise do not qualify for development under existing ordinances in their current location or condition. (Ord. 759, 6-1-2010)

10-12-2: DEFINITIONS:

FLAG LOT: Property that has no less than sixteen feet (16') of frontage on a street and meets the area requirement of the zone.

RESIDENTIAL INFILL: The development of residential dwelling units on vacant property or underutilized land located in various areas of the city. Infill lots shall include flag lots that are not part of an approved and recorded subdivision.

ZERO LOT LINE/ZERO SIDE YARD: A form of housing development in which individual dwelling units are placed on separate, individually owned, platted and recorded lots. They may be attached to one another or directly abutting a separately owned lot. (Ord. 730, 3-17-2009)

10-12-3: REVIEW CRITERIA:

A. Compatibility With Existing Neighborhood: The proposed use and site plan for a residential infill development shall be compatible with and complementary to the character of the site, existing adjacent properties and surrounding neighborhood. (Ord. 741, 7-21-2009)

1. In determining the compatibility of the proposal for development of an infill lot, the planning commission shall consider: the density of the surrounding neighborhood; proposed number of dwelling units; and setbacks from property lines and existing structures.

2. In determining the compatibility of the site plan and building plan, the planning commission shall consider: compatibility with surrounding neighborhood; and the relationship of landscaping, screening, architectural style, parking location and height of all structures. It is the goal of Riverdale City in reviewing and approving any request for infill lot development that each development improves and enhances the residential area with a higher quality development than is currently present on properties abutting the proposed infill development.

3. If the proposal for development of an infill lot includes the demolition of a residential structure, the planning commission shall consider the effect such demolition has on the adjacent property and surrounding neighborhood.

4. If development of an infill lot is proposed on property that exists at the time of the adoption hereof and it
does not meet the minimum lot width or area requirements of the zone, the planning commission may approve the development of the lot as long as the required setbacks of the zone are maintained.

5. The zero lot line/zero side yard development concept is allowed on infill lots as a conditional use that is reviewed by the planning commission and complies with all aspects of this chapter.

6. Wider frontage on a flag lot may be required if the fire department review for access deems it is necessary.

7. This chapter is separate and distinct from chapter 14, "Regulations Applicable To All Zones", of this title and specifically subsection 10-14-4J of this title which pertains to zero side yard development in residential zones.

8. Infill lot development shall comply with all city adopted regulatory codes.

9. Each infill lot developer shall enter into a residential development agreement with Riverdale City that lists specific requirements and conditions for each development as outlined by the planning commission, department of community development, fire department, department of public works, city attorney and city administration. (Ord. 730, 3-17-2009)

<table>
<thead>
<tr>
<th>General Plan Guidance (Section Reference)</th>
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<tbody>
<tr>
<td>Listed as Residential-Low Density use.</td>
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</table>

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<thead>
<tr>
<th>Legal Comments - City Attorney</th>
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<tbody>
<tr>
<td>This statute was adopted for this exact reason, unique or odd type lots. Follow the criteria set in 10-14-3 and we will be fine.</td>
</tr>
<tr>
<td>Steve Brooks, Attorney</td>
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<tr>
<th>Administrative Comments - City Administrator</th>
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<tbody>
<tr>
<td>10-12-3 REC - ADEQUATE FIRE ACCESS PROVIDED.</td>
</tr>
<tr>
<td>- I SUPPORT THE REQUEST AS RIVERDALE CITY INFILL REGULATIONS.</td>
</tr>
<tr>
<td>Rodger Worthen, City Administrator</td>
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</tbody>
</table>
Dear Mike,

Here is the information you requested regarding our preliminary home plans to take before the planning commission. I talked with Shawn Douglas with public works and we discussed the utility requirements. Is there anything else you needed and do you think we can get on the planning commission agenda for January 9th?

Thank you for your time and consideration.
Chet VanOrden
801-540-6580
Mike, as you know there are no utilities at this lot. My concerns would be with how he is going to install the utilities. There is a canal that runs under the sidewalk that will also be in his way as he brings the utilities in. Thanks

Shawn Douglas
Public Works Director
801/394/5541 ext.1217
Sdouglas@rivedalecity.com

From: Matt Hennessy – Fire Department
Sent: Thu 6/4/2015 9:36 AM
To: Mike Eggett
Subject: RE: 4562 S 1150 W Lot

Mike,
I met with R. Koger this morning and we discussed the concern with fire apparatus access due to the long driveway.

The plans do not clearly outline the construction of the access and we would request driveway access specifications prior to approval.

Randy and I recommend that the driveway comply with the following Utah Fire Code Subsections

503.2.1 Dimensions.
Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.3 Surface.
Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
In the event of a fire emergency, in order to reach the house with our hose lines we would need to pull on the access road to perform fire suppression activity. Let me know if you have any concerns or questions.

Matthew Hennessy
Training Officer
Riverdale Fire Department
Office: 801-394-7481
Cell: 801-791-6402

From: Jeff Woody – Building Official
Sent: Wed 6/3/2015 9:05 AM
To: Mike Eggett
Subject: RE: 4562 S 1150 W Lot

Mike, the accessory building is over the 1000 sq ft maximum and can only be 20 ft in height.

Thanks Jeff

From: Dave Hansen
Sent: Wed 6/3/2015 9:29 AM
To: Mike Eggett
Subject: RE: 4562 S 1150 W Lot

Mike, the Police Department has no issues in regards to the building of this structure.

Sincerely,

Chief David Hansen
Riverdale Police Department
4500 S. Weber River Drive
Riverdale, Utah 84405
(801) 394-6616

Mike Eggett Comments – Community Development Review of Zoning

- Lot size requirement of 8,000 square feet is met
- Frontage requirement of 70 feet cannot be met on this lot, hence this request; 45 foot frontage established along 1150 West
- Setbacks for main structure:
  - 25 foot front appears to be met but distance number not shown
  - 8 foot side with total of 18 for side is met, west side yard is 13 feet and east is more than enough distance
- 25 foot rear appears to be met but distance number not shown
  - Height maximum for main structure is 2½ stories or 35 feet; proposed residence appears to be lower than this as the plan is a patio home; maximum height for structure has not been identified
- Setbacks for accessory building:
  - Accessory building is technically located in the front yard of the home, however an infill lot development approval from the Planning Commission does afford some flexibility for site planning approval of buildings on flag lot style lots, subject to the impositions of any requirements or conditions on the development of the lot and buildings
  - Front setback of accessory building appears adequate
  - Side setback requirement of 8 feet with other criteria is met, closest side yard distance of accessory building is 10 feet to south property line
  - Rear setback for one feet with other criteria is met, rear yard distance of accessory building is 10 feet to east property line
  - Minimum distance between main building and accessory building is 6 foot minimum; there is 10 feet distance between buildings shown on attached plans
- Height maximum allowed for accessory building is 20 feet; proposed accessory building appears will be taller than code allows, no height number has been provided
- Accessory building maximum allowable size is 1,000 square feet; proposed building is 1,596 sf
- Accessory building does not appear to cover more than 25% of rear yard availability, although this number is hard to calculate at this time without some other setback numbers
- Development of lot will be subject to landscaping standards of the City Code and Riverdale City