

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **March 8, 2005** at 6:30 p.m. at Riverdale Community Center, 4360 South Parker Drive.

Members Present: Greg Limburg, Chair  
Brent Coleman  
Kathy Eskelsen  
Don Farr  
Don Hunt  
Allen Miller  
Kathy Tanner

Others Present: Randy Daily, Community Development Administrator  
Jan Ukena, City Planner  
Michelle Douglas, Planning Commission Secretary  
Mike Mediros David Jebczynski Ed O'Brien  
Dr. Grace O'Brien Kurt Larsen Chris Shaw  
Andrew Adams

Chair Limburg called the meeting to order and welcomed all those in attendance. He acknowledged that all other members were in attendance and welcomed Staff.

### **Consideration of Minutes**

There were no minutes for approval at this time.

### **Conditional Use Permit / Home Occupation Application**

#### **Mike Mediros - Mik's**

Mr. Mike Mediros was present at the meeting to discuss his conditional use permit for a home occupation business license for handyman services. Mr. Mediros lives in an R-2 zone, and he rents the dwelling. Mr. Mediros presented the Commission with a letter of approval from the property owner to utilize the dwelling for a home occupation.

Mr. Mediros informed the Commission that he has been doing home repair services for some time; however, right now he goes through a staffing service to get the work. He went on to say when he was first learning how to do these types of services he made more money than he is now, and he would like to get his own business licenses than go through a staffing service.

Chair Limburg informed Mr. Mediros that he could not bid out more than \$1,000 in labor and materials at any one time. He suggested if Mr. Mediros finds himself in that situation, he might want to consider getting a state contractor's license.

Mr. Mediros indicated that would be his next step; however, he does not have the money to do that right now. He went on to say where he is living right now, individuals do not have the money to get their basements finished; but they may need a few things fixed.

**Motion** Commissioner Miller moved to grant the conditional use permit for a home occupation located at 514 W 4800 South for Mike Mediros, Mik's Handyman, as requested. Commissioner Hunt seconded the motion. The motion passed unanimously.

**David Jebczynski - Handyman**

Mr. David Jebczynski was present at the meeting to discuss his conditional use permit for a home occupation business license for handyman services. Mr. Jebczynski lives in an RMH zone, and he owns his dwelling. Mr. Jebczynski presented the Commission with a letter of approval from the park manager to utilize the dwelling for a home occupation.

Mr. Jebczynski informed the Commission that he has been a journeyman drywaller for approximately 15 years, and now he would like to get a handyman license. Chair Limburg informed Mr. Jebczynski that he could not bid out more than \$1,000 in labor and materials at any one time. He suggested if Mr. Jebczynski finds himself in that situation, he might want to consider getting a state contractor's license. Mr. Jebczynski indicated that his ultimate goal is to get his contractor's license.

**Motion** Commissioner Hunt moved to grant the conditional use permit for a home occupation located at 5648 South 1150 West #5A for David Jebczynski, Handyman, as requested. Commissioner Miller seconded the motion. The motion passed unanimously

**Conditional Use Permit located at 1708 West 4800 South for the Sale and Storage of Scratched and Dented Furniture & Lease of Storage Units in a CP-3 zone**

Mr. Ed O'Brien, Chris Shaw, and Kurt Larsen were present at the meeting to discuss the conditional use permit for the sale and storage of scratched and dented furniture and the lease of storage units in a CP-3 zone located at 1708 West 4800 South.

Mr. Daily began the discussion by giving a brief history of the property. He explained that the property in question use to be located in Unincorporated Weber County, and at that time, it was zoned M-2 (manufacturing). He went on to explain when it was Unincorporated Weber County; the County held public hearings because D&B wanted to put their auto salvage yard there, and Riverdale City and Roy City both protested the use. Mr. Daily noted at a later date, the paintball business wanted to utilize the property for their business, and the City agreed to annex the property into the City as a planned-commercial zone. He explained the paintball business came into the City, and it was never a problem while it was in business. Following the paintball business, Cal-Pro purchased the building, and they utilized the front of the building for film processing, and they stored cars in the warehousing portion of the building (the rear portion of the building).

Mr. Daily informed the Commission that Mr. O'Brien would like to purchase the building and utilize the warehouse portion of the building for scratched and dented furniture and utilize the 6,000 square feet of the building that is finished for retail sales.

Discussion followed regarding parking requirements. Chair Limburg noted if the entire building were utilized for retail sales, the petitioner would be required to have 385 parking stalls. Mr. Daily reiterated that there is only 6,000 square feet of the building that is finished and acceptable to utilize for retail sales. He explained in a "regular" commercial zone, the parking ratio is one space per 200 square feet of sales area; however, in a planned commercial zone, the parking ratio is three spaces per 200 square feet of sales area, which calculates out to 90 parking stalls. Mr. Daily pointed out that Mr. O'Brien has 38 parking stalls available on site.

Mr. Daily informed the Planning Commission that they could make a determination regarding the parking and set conditions; such as, Mr. O'Brien's cliental cannot park on the street; and his cliental cannot park on road base or dirt. Mr. Daily explained that the issue is the building was never approved with retail in mind, and can they control the retail sales, so it would protect the integrity of the residential area.

Mr. Daily indicated if all of that can be accomplished, and Mr. O'Brien can show the City that it can be done in a way that there will not be any issue pertaining to parking on the street, the retail sales will be limited and if Mr. O'Brien does have a special event sale, he will make the City aware. Mr. Daily informed Mr. O'Brien that the City does not want full-blown sales at this location. He went on to say when the paintball business was approved, the business was informed that they could not be a nuisance to the residential area, which was a condition placed on the business.

Mr. Shaw, Mr. O'Brien's attorney, informed the Commission that they have not completed a market analysis as of yet. He stated that they do not think they will have 38 parking stalks full of clientele. He went on to say they would have regular retail hours of 8:00 a.m. to 8:00 p.m., and they would not expect customers until 10:00 or 11:00 a.m.

Commissioner Miller inquired what kind of trucks they would be utilizing for deliveries. Mr. O'Brien explained that they utilized Isuzu MPRs. He went on to explain that they go down to Murray at approximately 11:00 a.m. to pickup items, they are usually out of that store by 11:30 a.m., and they do approximately eight to 10 deliveries a day. It was questioned where they would have deliveries made to this proposed site. It was explained that there is an asphalted fire lane all around the building, and the deliveries would be made on the east side of the building, which is the side of the building away from the residential area.

Discussion followed regarding the "scratch and dent business". Mr. O'Brien explained that the scratch and dent business does not attract the same type of clientele as his regular stores; clearance centers attract a certain type of clientele. The furniture comes and goes. He explained that semi-trucks might deliver furniture once a week. Commissioner Miller expressed concern with semi-truck traffic in the area. Mr. O'Brien indicated that the only residential property in the immediate area is one apartment complex that is about ready to fall over. He went on to say he would not be interested in the property if they could not utilize a semi-truck for deliveries. It was reiterated that deliveries would be made on the east side of the building, which is the side of the building away from the residential area.

Mr. O'Brien indicated that he would rather have a location for scratch and dent furniture than have to get a special event permit and have a tent sale in his parking lot, which he would be allowed to do at his current location on Riverdale Road.

It was inquired what Mr. O'Brien's plan is for the storage sheds. Mr. O'Brien indicated that he would rent them. He noted that they are viable storage sheds. He went on to explain that he would add lighting to the area and put in electronic devices so people could access them.

Dr. Grace O'Brien informed the Commission that everything Mr. O'Brien does, he improves the area; and he does everything right. If there is ever a parking issue, he would do want ever he would need

to do to make it right. Mr. Larsen added there is another area on the site that they could add parking if there is a need for additional parking.

Mr. Daily stated that he believes the situation can be controlled.

Discussion followed regarding signage. Mr. O'Brien indicated that he called the state, and as long as the signage on the site only refers to the business on the site and not his location on Riverdale Road, he is in compliance with the State. If it refers to his business on Riverdale Road, it would be considered an off-premises sign.

It was noted if the Planning Commission approves the conditional use, conditions should be set in regards to parking: there should not be any parking on the street, and if Mr. O'Brien needs additional parking, he will need additional surfaced parking, which meet storm drainage requirements. Furthermore, if people start to complain about semi-truck deliveries, the City will have to verify that it is Mr. O'Brien's use and have the Police Department investigate the situation. Lieutenant Hansen indicated that he did not see a problem with the semi traffic.

Commissioner Tanner inquired if the Commission could recommend "no parking" on the street since parking could potential become an issue. Mr. Daily indicated that would be a Streets (Public Works) function. He went on to say we don't regulate parking on the street and there is not any curb on the other side of the street. It was his opinion that is would be a "wait and see" situation.

**Motion** Commissioner Eskelsen moved to approve the conditional use permit located at 1708 West 4800 South for the sale and storage of scratched and dented furniture and the lease of storage units with the stipulation that there is no on-street parking; any additional parking is approved by the City with the appropriate storm drainage requirements; and the hours are from 8:00 a.m. to 8:00 p.m. as stated. Commissioner Miller seconded the motion.

Commissioner Tanner indicated that she was concerned that they did not address the fact that the petitioner is asking for a limit of 6,000 square feet of retail space, and the petitioners might want to extend their hours of operation to include hours of delivery. Commissioner Miller indicated they could revise the motion to say hours of operation from 8:00 a.m. to 8:00 p.m. Chair Limburg suggested that they could specify truck traffic could be from 6:00 a.m. to 8:00 a.m.; he believes that is reasonable as long as they do not get residential complaints, and the hours of operation could be from 8:00 a.m. to 8:00 p.m.

**Amendment** Commissioner Eskelsen moved to amend the motion to revise the house of operation from 8:00 a.m. to 8:00 p.m. and to allow truck traffic from 6:00 a.m. to 8:00 a.m.; in addition, the retail space is limited to 6,000 square feet. Commission Miller seconded the amendment. The motion passed unanimously.

**Conditional Use Permit located at 4465 South 600 West (Classic Waterslide site) for the use of Apartments in a CP-3 zone**

Mr. Andrew Adams was present at the meeting to discuss his conditional use permit for a 36-unit apartment complex. He noted, in summary, the goal is to put in deluxe style apartments, which

would be transitional for young-professional just moving out of their parent's home or for seniors that can live wherever they want.

Mr. Adams indicated that the Commission asked for a traffic and geotechnical report and he has provided those two reports.

Chair Limburg indicated that it still puzzles him that they want to construct deluxe apartments 30 to 40 feet from the Union Pacific Railroad tracks. He went on to say, speaking for himself, if the train vibrations and the noise are too much, he doesn't believe the apartments would be rented. He noted that initially they might be rented; however, after a while, they would become vacant, and he is afraid the area would become blighted. In addition, a transient problem exists in the area.

Mr. Adams inquired aside from those issues, does the Commission have any other concerns. Chair Limburg indicated that there is the issue with only one way in and one way out of the property other than the UDOT access road under the viaduct.

Mr. Adams questioned if the Commission's concerns have been address with the traffic and geotechnical reports that have been provided. Chair Limburg reiterated with the ingress and egress situation, individuals will sit at the access point on Riverdale Road forever to turn left; and those are some of the concerns he has.

Commissioner Coleman explained that he lives five to six miles away from the railroad tracks, and it sounds as though a train is coming through his house. He questioned what Mr. Adams thought.

Mr. Adams explained that he and Mr. Hedman are in the due diligence phase, and to them the railroad tracks are the most minor concern. He went on to say the landslide situation is their largest concern. Mr. Adams pointed out that in Salt Lake County the most densely apartment community is located between I-15 and the railroad tracks. It is the area where you cannot build homes; homeowners would not stand for it. He explained that the proposed area is densely landscaped, off a main road, and they believe the desirability is there for apartments. He explained that Mr. Hedman has the development of apartment complexes down to a system, and they believe they can transform the area. He reiterated in their experience, the railroad tracks are the least of their concerns.

Mr. Adams explained that during their last meeting, when Commissioner Tanner informed Mr. Adams of the landslide, he was not aware of the landslide; and they appreciate the Commission's comments. He went on to say in their experience, the site is a desirable site because it is a remote and secluded site. He added that the site plan does not show the complex as a gated community; however, they would be more than happy to gate it. They want to make the complex a place where their children would live.

Mr. Adams inquired if there is a problem with transients around the classic waterslide property. Lieutenant Hansen indicated that they have had some; however, they have more of a problem on the other side by the walkway now. He went on to say transients are brought to their attention when someone has a problem with them. He explained that when the waterslide was operating, they had more problems with transients; and most of the problems were reported when parents were picking up their children. Lieutenant Hansen added that some time ago they had a few children molested

by some transients. However, since UDOT shut off the access road under the viaduct, they have not had as many problems with transients on the south side of the viaduct.

Commissioner Hunt indicated that he drove down onto the proposed site, and he is concerned more with the one way in and the one way out access. He question if there would be adequate fire access. Commissioner Miller explained that the Fire Department would stack fire trucks going down into the area.

Commissioner Tanner noted that she went down into the area as well. She stated that her concern is the one way in and one way out access too, and it is a narrow road. She went on to say the transients are in the area; however if no one is in the area, it isn't perceived as a problem. She explained that she personally has had individuals ask her for money, food, etc. She added that she is concerned with the area becoming blighted as well. She explained that as she sat down in the area, she wondered if she would be attracted to live in the area. She stated that she is not trying to discourage the project; but she questioned where the amenities for the complex where.

Mr. Adams acknowledged that there isn't a pool; however, there is a club house and it is a nice, aesthetically, and pleasing place to live. He noted that their intention is to make it a haven; a nice developed complex with a vinyl fence and lighting. He informed the Commission that the amenities are to make the complex nice and pleasing enough to beat the competition in the area, and they believe the area has those qualities. He pointed out that turning left would be just as bad as turning left at Sportsman's Warehouse.

Mr. Adams inquired how long ago the Classic Waterslide was open. It was noted that it was open last summer. Lieutenant Hansen explained that they have not had as many transient problems for a while; the problems tapered off when UDOT shut off the access road.

Commissioner Farr inquired if the petitioner is proposing to finish the road that goes down into the proposed site. Mr. Adams indicated that they will do what the City says is best for the development. He noted that there is currently not a connection there. He added that there is not any foot traffic either, and he was not sure where the foot traffic should be connected.

Mrs. Ukena inquired if the petitioners has to have 36 unites to make their development work. Mr. Adams indicated that they would like to have 36 units. Mrs. Ukena indicated that she would recommend the road be improved to City standards to their property's southern end; the police, fire and engineering departments review the site plan, and they have a hammerhead at the end to get fire apparatus into the area. She went on to say she would recommend to the City Council that they have a trail that will have to go outside the scope of the project if they are going to have the project gated; she noted that they don't want individuals going through their development. Mrs. Ukena asked Mr. Adams again if they had to have 36 units primarily because of the hammerhead at the end of the project. Mr. Adams stated that they would like to have 36 units; however, as they talk, if they need to reduce the number, they can talk about the numbers.

Mrs. Ukena pointed out that there are a lot of issues in regards to the geotechnical report. She stated that they are not insurmountable; however, everything would have to be completed to the geotechnical specifications. Mrs. Ukena added that she believes there was another landslide in the 1960's that the geotechnical report does not address; however, it might be out of the proposed

area. Commissioner Tanner pointed out that the landslide referenced in the report was not in 1987; it was in the late 1960's or early 1970's. Mrs. Ukena said she is questioning that there may be another landslide. Mr. Daily added that there was another landslide in 1982; however it was about a mile and one-half down the railroad track, and that landslide covered the railroad tracks.

Mr. Daily referred to **§10-10B-1: Purpose and Intent** (Planned Commercial Zone)

The intent of the planned commercial zones is to permit the establishment of a well designed complex of retail commercial facilities for a neighborhood, community or region which will provide goods and services for the people to be served, minimize traffic congestion on public streets in the vicinity and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this article are intended to minimize any adverse effect of the planned commercial zone on nearby property values by achieving maximum compatible integration of the area, and to provide for safe and efficient use of the planned commercial zone itself.

Mr. Daily explained that in a planned commercial zone, the purpose is not intended for housing. He went on to explain that there are not any site regulations pertaining to housing even though they are giving the City a good density. He went on to say under the conditional use aspects of the City's ordinance, it is necessary to refer to §10-19-5: Basis for Issuance of Conditional Use to prove there is evidence to approve such conditional use. Mr. Daily referred to the five subsections in §10-19-5, which state:

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish that:

- A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and
- B. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs; and
- C. The proposed use conforms to the goals, policies and conditions specified in this chapter for such use; and
- D. That the proposed use conforms to the goals, policies and governing principles and land use of the master plan for the city; and
- E. The proposed use will not lead to the deterioration of the environment, or ecology of the general area, nor will it produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public or private property, including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole. (1985 Code § 19-7-5)

Mr. Daily stated he did not know if the Commission wanted to discuss each subsection individually or if the Commission wanted to evaluate them as a whole. He said that the fact is an apartment use

does not fit. It will create more policing issues; they are below a bridge, they only have one way in and one way out; the improvements for the property will be excessive for what the developer will want to do, and they don't even own part of the property they will have to improve, which they haven't shown on the site plan other than the front. Mr. Daily explained they will have to go to UDOT for a turn around and other people will be driving on the access. He added that the transient situation is a major problem as well, and it could become an attraction.

Mrs. Ukena stated that she believes Mr. Daily has said it all; however, it is not necessarily her opinion. She said when you read the CP zone, it does not address residential, and the Commission has to decide what apartments are. She indicated that she believes apartments are both residential and commercial; it's one of those things that sit in the middle, and the ordinance does not technically address it. She indicated that the Commission has to decide if it is a conditional use that applies or not.

Mr. Daily noted that the property is zoned commercial and something will go on the property. He went on to say the waterslide use will go away, and they need to find uses that are compatible with the property, and in his opinion housing is not.

**Motion** Commissioner Tanner moved to deny the approval of the conditional use permit located at 4465 South 600 West (Classic Waterslide site) for the use of apartments for the following reasons: the use does not fit the Purpose and Intent of the CP-3 Zone (§10-10B-1); for safety reasons of only one way in and one way out of the property; policing issues; transient issues; fire issues in regards to no adequate turn around; and the property owner does not own the UDOT property for a turn around. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

**Preliminary Site Plan Review located at 4465 South 600 West (Classic Waterslide site) for the use of Apartments in a CP-3 zone Information**

The Commission did not approve the conditional use permit in conjunction with the preliminary site plan for the apartments located at 4465 South 600 West; no action was taken.

**Discussion regarding City Council Action**

Mr. Daily informed the Commission that the City Council did not agree with the mixed-use zone. It was inquired if the Council has officially sent it back to the Commission. Chair Limburg stated the last thing he heard, the Council and Commission were going to have a joint meeting to discuss the zoning issue. Mrs. Ukena indicated that the meeting is schedule for August. Chair Limburg stated that even if the Commission works out an alternative ordinance, he is not going to sit down with the City Council and hash out another ordinance.

Mr. Daily stated they need to look at an ordinance that will establish the properties from Rebel Enterprises to 700 West within the demarcation area as specified by the City Council, which is all of the land within the map. Commissioner Tanner inquired what the City Council wants. Mr. Daily indicated that the City Council wants something that will protect the integrity of the residential properties.

Commissioner Eskelsen questioned isn't the mixed-use zone the best way to protect the integrity of the residential properties. Mr. Daily explained he believes the mixed-use was the best way to go; however, without utilizing a residential use in the mixed-use zone, no one will want to go with the mixed-use zone; they are going to want commercial. In addition, the demarcation area does limit the area. Mrs. Ukena added the size of the space limits the size of the building.

Mr. Daily referred to the proposed draft ordinance he put in the Commission's informational packet - Special Overlay Area or Low -Impact Commercial Zone. He explained that he limited the front setback to 30 feet, which would allow for a larger building; and he took into account Commissioner Tanner's comments that will not allow space in the rear of a building.

Commissioner Tanner suggested that they send the draft ordinance to the City Council and find out what they have to say about the ordinance before the Commission spends any time on it. Mr. Daily explained that is what the Commission does; they make recommendations to the City Council.

Commissioner Tanner questioned why the Commission should spend the rest of the evening and more time in other meetings on this or any other ordinance if the Council won't like it. Chair Limburg concurred with Commissioner Tanner; he stated that he thought the mixed-use ordinance was a good idea. Mr. Daily indicated that people have different opinions, and all the Commission can do is take the ordinance(s) and make a recommendation to the City Council.

Commissioner Tanner stated that she attended the City Council meeting when they addressed the mix-use zone; and all she heard was they did not care what was presented. They wanted residential on 4400 South, and they want a line of demarcation; that is all they were going to look at. She doesn't think they know what they want. It was her opinion that they should look at the proposed draft before the Commission spends months on it first.

Chair Limburg questioned if the City Council realized that the mix-use zone was being proposed for three or four areas of the City. Mr. Daily indicated that there are four options with the 700 West/Riverdale Road property. 1) The Planning Commission's recommendation, which he thought was a good recommendation; 2) Low-Impact Transition; 3) General Plan, which is a Residential Overlay Zone; or 4) they could go with the new ordinance draft to regulate the area.

Mr. Daily stated that he did not think the Low-Impact Transition zone was a good idea; he questioned what would they be protecting. Commissioner Eskelsen inquired if they could make 4400 South a historical district. Mr. Daily indicated that would not be reasonable.

Commissioner Miller questioned what the property owners want. Mr. Daily stated they want the area to be commercial abutting 4450 South. It is the highest and best use; they want the most money for their property. Commissioner Miller indicated that the mixed-use zone was giving them what they wanted. Mr. Daily said it was but with limited uses. Commissioner Eskelsen added that it gave the Planning Commission and the City Council a lot of control. It was pointed out that the City Council missed that point; the Planning Commission was looking at improving 4400 South not diminishing it. They were not looking at putting a 7-11 on 4400 South; they were looking at buffering and landscaping 4400 South.

Commissioner Limburg inquired if the Commission could make another recommendation to the City Council regarding the mixed-use zone accompanied by a cover letter from him as the Chair of the Riverdale City Planning Commission. Mr. Daily did not advise such action. He went on to say the City Council believes once commercial is allowed on 4400 South, it will encroach across 4400 South into other residential areas of the City.

Chair Limburg stated that he concurs with Commissioner Tanner. He believes they should send the proposed draft ordinance to the City Council and let them review it before the Commission spends any time on it. Mr. Daily stated that he would like the Commission to at least put some detail into the ordinance. Commissioner Tanner indicated if the Council does not like the idea of the ordinance to begin with, why should they spend any time on it.

Mr. Daily said that he understands where they are coming from; however, he questioned what the Commission is envisioning for the area. Commissioner Hunt indicated that it would be nice to keep the area residential but who is going to take that responsibility.

Mr. Daily said that once we get this all decided, Staff is going to have to approach the property owners and tell them they are in violation of the Health and Sanitation ordinance, and they will have to abate the nuisance.

Commissioner Farr pointed out in Roy City along the railroad tracks, there is a development called Herefershire. He went on to say it has three little cul-de-sacs, and it would be easy to have a little PRUD all the way down 4450 South similar to that one. He noted to the east there would be a PRUD and to the west there would be the senior center. Commissioner Hunt said that would be fine if someone bought all of the property, but if someone doesn't; the area will continue to deteriorate. Commissioner Farr stated it will stay that way even if it is zone commercial. Commissioner Hunt said if someone comes in, and it's zone commercial, it would put a greater value on the property.

It was inquired if the Commission wants to talk about the draft ordinance or not. Mr. Daily indicated that they should discuss it; they need to get off dead center, and they need to decide what will be south of the demarcation line (they may be down zoning one and up zoning the other).

With no further business to come before the Commission at this time, Commissioner Eskelsen moved to adjourn the meeting. Commissioner Hunt seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 8:10 p.m.

Attest:

Approved: March 22, 2005

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Michelle Douglas  
Planning Commission Secretary

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Greg Limburg  
Chair