

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **March 22, 2005** at 6:30 p.m. at the Riverdale Community Center.

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

Members Excused: Brent Coleman  
Kathy Tanner

Others Present: Jan Ukena, City Planner  
Michelle Douglas, Planning Commission Secretary  
Casey Snyder                      Ryan Walker                      Victor Hester  
Rex Allen

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

#### **Consideration of Minutes**

Commissioner Eskelsen read aloud the proposed amendments that were presented to the Commission for the work session and regular minutes of March 8, 2005.

**Motion**      Commissioner Miller moved to approve the minutes of the preplanning work session of March 8, 2005 as amended; and for approval of the regular meeting of March 8, 2005 as amended; and to waive the reading. Commissioner Eskelsen seconded the motion; the motion passed unanimously.

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

##### **Casey Snyder - Lost Recovery Inc.**

Mr. Casey Snyder was present at the meeting to discuss his conditional use permit for a home occupational business license for repossession services. Chair Limburg indicated that Staff has indicated that Mr. Snyder would need a state license to perform this type of service. Mr. Snyder informed the Commission that he has been doing this type of work for four years, and he has not had to have one in the past; he explained that he is bonded and insured. Chair Limburg noted that the Police Department is the department that informed Staff that he needs a state license.

Mrs. Ukena stated that a repossession service could be like a professional occupation and perhaps he could need a license through the Division of Occupational and Professional Licensing. Commissioner Farr noted that he could get a business name approved through the state. Mr. Snyder indicated that he does have a register name with the State; however, he is not licensed through the Division of Occupational and Professional Licensing, and he does not believe he has to be.

Mr. Snyder informed the Commission that his main contract is with America First Credit Union, and when he repossesses a vehicle; he gets a repossession order from the credit union. He went on to explain after he repossesses a vehicle, he calls the local dispatch to report that he has repossessed a vehicle. Commissioner Eskelsen inquired where Mr. Snyder takes the repossessed vehicles. Mr. Snyder explained that he takes them to America First's lot or to Salt Lake City, which is the other bank he provides services.

Chair Limburg suggested that the Commission could grant the conditional use permit with the provision that Staff verify if a state license is required for repossession services.

**Motion** Commissioner Hunt moved to grant the conditional use permit for a home occupation located at 851 West 4100 South for Casey Snyder, Lost Recovery Inc, subject to the Staff verifying if a state licenses may or may not be required with this particular home occupation. . Commissioner Miller seconded the motion. The motion passed unanimously.

#### **Ryan Walker - R and A Mowing**

Mr. Ryan Walker was present at the meeting to discuss his conditional use permit for a home occupational business license for lawn care services. Mr. Walker informed the Commission that he would take the lawn clippings to the County compost. Chair Limburg suggested that Mr. Walker not keep the clipping over night; that he take them to the dump every night.

It was inquired if Mr. Walker has a trailer. Mr. Walker informed the Commission that he has a trailer; however, it is not an enclosed trailer. He went on to explain that he has a tarp over the trailer and everything would be kept in the trailer. He went on to explain the trailer would be parked at his dwelling on a pad next to his carport.

It was questioned if Mr. Walker has any employees. Mr. Walker explained that it is just his wife and himself. The Commission informed Mr. Walker if he were to obtain any employees in the future, they would have to meet him on-site; no employees are allowed to work out of a resident's home as a condition of a home occupation.

**Motion** Commissioner Eskelsen moved to grant the conditional use permit for a home occupation located at 4340 South 700 West for Ryan Walker, R and A Mowing, as requested. Commissioner Hunt seconded the motion. The motion passed unanimously

#### **Victor & Tiffanie Hester - Wasatch Arborist**

Mr. Victor Hester was present at the meeting to discuss his conditional use permit for a home occupational business license for tree removal and lawn care services. Mr. Hester informed the Commission that he is a certified arborist, and his primary business would be to tree removal and pruning services. He went on to explain that the majority of the work he does is sub-contracting work with Utah Power and the City would never see anything at his dwelling except a truck.

It was inquired if Mr. Hester has any employees. Mr. Hester explained that he has 123 employees; however, none of them are at his dwelling; they all meet at Utah Power. In addition, his wife is a part of the business as well. Mrs. Tiffanie Hester does all of the office work at the dwelling. Mr.

Hester added that prior to moving to Riverdale city, he was licensed in Roy City for approximately six and one-half years.

**Motion** Commissioner Miller moved to grant the conditional use permit for a home occupation located at 4180 South 825 West for Victor and Tiffanie Hester, Wasatch Arborist, as requested. Commissioner Farr seconded the motion. The motion passed unanimously.

#### Rex Allen - R & C Yard Care

Mr. Rex Allen was present at the meeting to discuss his conditional use permit for a home occupational business license for yard care services. Mr. Allen informed the Commission that he owns a 4x4x8-foot enclosed trailer, and he plans on taking a truck load of grass clipping out to the compost dump every day. He noted that his wife would be helping his with the books, and he would be the only one doing the yard care services.

**Motion** Commissioner Eskelsen moved to grant the conditional use permit for a home occupation located at 648 West 4150 South for Rex Allen, R & C Yard Care, as requested. Commissioner Hunt seconded the motion. The motion passed unanimously

#### Discussion pertaining to amendments to Title 10, incorporation of a new zoning designation for the area south of the established "demarcation line" south of 4400 South

Mrs. Ukena informed the Commission that Mr. Daily asked her to put the proposed ordinance into the same format as the mixed-use ordinance; she asked if the Commission if they had any suggestions, to call her so they may be incorporated. Mrs. Ukena went on to say the City Council has requested three to four options for the demarcation area.

Chair Limburg stated that the Planning Commission gave them a good option; they recommended the proposed mixed-use zone. In addition, they already have the Low-Impact Transition Overlay Zone; or they could follow the General Plan, which is the Residential Overlay Zone (ROZ).

Discussion followed regarding what a Residential Overlay Zone (ROZ) is. It was explained that during the last General Plan update, the general concept of a ROZ came about, which is a modified planned residential unit development (PRUD) concept where the streets and utilities would have to be constructed to City standards and would be dedicated to the City as well; or it was discussed that a substantial amount of money equal to the repair of the streets/utilities would have to be placed in an escrow account in case such repairs were needed.

Chair Limburg stated if the City Council would have read the Planning Commission's minutes and the mixed-use ordinance, they would have understood the Planning Commission's intent.

Chair Limburg indicated whatever happens, the City Council wants residential to stay in the area, and they are the ones that will be liable for a blighted area. He said no one would want to buy any residential property from 900 West to 700 West and Commission Eskelsen added that no one would want to develop any property either. Chair Limburg went on to say with no disrespect to Mayor Burrows because he just purchased a dwelling in the area, the Planning Commission wants to wash its hands of the blighted area that will occur there.

Chair Limburg stated that each Planning member could voice his or her opinion regarding the situation. Commissioner Miller indicated if the City Council doesn't like what they have recommended, then let it stay as it is and let the property owner petition to rezone it to what they want.

Commissioner Hunt stated if the City Council wants to keep the area residential, and the Mayor bought a residential home in the area and is making it nicer; perhaps there are other individuals that would want to do the same. However, he is concerned that the area will deteriorate especially as the traffic increases. He went on to say that individual property owners do not generally try to rezone their own property; developers rezone property, and he believes that developers will shy away from the fight. The property will stay residential for a long time. Commissioner Hunt indicated that he does not think that the area is not that bad right now; it is hit and miss.

Commissioner Farr stated that he concurs with Commissioner Miller. They need to leave the property residential the way it is.

Commissioner Eskelsen indicated that they paid a lot for the traffic study; it is a valuable piece of equipment. She noted that what the traffic study has projected is happening. Commissioner Eskelsen went on to say the mixed-use zone would be a valuable tool in how things would be developed and how things are; at least the City would have a stronger voice and there would be more protection to the existing residential. In addition, it would not be hard-core commercial. Commissioner Eskelsen stated this is a terrible disservice to the City, and if the City Council is not ready to put a mixed-use zone in place, they need to have all the parameters in place in order for future planning so hard-core-commercial does not go in place. She went on to say she believes spot zoning is a very dangerous thing for the City to do.

Chair Limburg indicated that the title itself on the draft ordinance is almost a dangerous thing (4450 South Zone). Commissioner Eskelsen stated it is so limiting; they will almost have to throw everything out. They need to plan how to protect the residents.

Commissioner Farr verified that the zoning of the area in question is residential right now. Mrs. Ukena indicated that 4450 is residential and commercial both which is cut with a diagonal line with the R-2 and C-3 zoning. Furthermore, the property in question is in RDA Area One and the RDA Board controls the uses. Chair Limburg inquired if the properties in question are in an RDA Area, why is it so imperative to put a zoning designation on them. Mrs. Ukena indicated because the City Council believes it is important.

Commissioner Farr stated if you take residential property vs. commercial property, it is easier to have someone come in and develop it when it is residential; however, it is worth more if it is zoned commercial. It was his opinion it is more advantageous for later on if they left the property the way it is. Commissioner Farr went on to say he made a little note that they need to start cleaning up and doing up-keep if they want to leave 4400 South residential.

Mrs. Ukena noted that they are not looking at 4400 South. The City Council "drew the line in the sand". Commissioner Farr stated yes they are; if they want 4400 South to stay the same, they need to have the area cleaned up. Mrs. Ukena clarified that the City Council wants 4400 South

kept as residential, and they just want a recommendation from the Planning Commission regarding the demarcation line to 4450 South.

Commissioner Hunt indicated there are three things that have already been listed for the demarcation area; and he agrees with Chair Limburg; however, commercial comes right up to the line. Commissioner Farr stated it does not matter; it comes up to 4450 South. Chair Limburg pointed out according to the General Plan, the "line in the sand" is 4450 South but that is not what the City Council made it.

Commissioner Hunt questioned the line of demarcation. He stated that he did not know the line was all the way to 4450 South; he thought the length was 130 feet at one point and approximately 230 feet at another point. Chair Limburg explained the demarcation area was shown in Exhibit A, which the Planning Commission received during their last meeting.

Commissioner Hunt stated in his opinion, they should not mix the zoning. He went on to say he has a hard time believing the area cannot have a mixed-use zone. Mrs. Ukena indicated that they looked at the mixed-use zone as a strong residential mixed-use. Commissioner Hunt noted that it would create a buffer as a heavy residential and commercial.

Chair Limburg stated that he spoke with Commissioner Tanner prior to the meeting, and she wanted her view added to the minutes. He went on to say that Commissioner Tanner said if the City Council is not in favor of the mixed-use zone, the City has the Low-Impact Transitional Overlay zone, and if the City Council doesn't like that; they have the General Plan.

Chair Limburg reiterated if the City Council looked at the mixed-use zone, read it, and studied it; they would see that it is good. They could go from the line of demarcation and go to 4450 South.

Commissioner Farr stated his idea is above those presented. He thinks they should leave it as it is and enforce the clean up of 4400 South. Commissioner Eskelsen indicated that they cannot really force people to clean up their properties; you can only make them do so much. Mrs. Ukena noted that Council Gibby has pointed out the properties in question are in an RDA area, and he believes they can use RDA funds to help clean up the properties.

Commissioner Miller questioned if the Commission ever specified any set area while they were discussing the mixed-use zone. Commissioner Eskelsen indicated it was a visual plan; she never remembered addressing any specific area. The Commission was envisioning areas that were being encroached by commercial developments.

Discussion followed regarding amendments to the General Plan. Mrs. Ukena said with the Commissioner's permission on April 12, 2005, she would bring in an amendment to the General Plan for the 550 West area for the southeast side of Riverdale Road and the Cinedome/America First area. She stated that her feeling is to move the mixed-use zone to the office park and Cinedome area and to utilize the Herridge study in conjunction. She went on to say she would like to know what the Commission member's feelings are for the Ruby River area down to 300 West; in addition, she would like to know what they envision for the area.

Mrs. Ukena noted that with possible development in the 500 West area, on the hillside, a lot of the trees would have to be removed; and one of her recommendations would be to protect as many of the trees as possible.

Commissioner Farr indicated that he drove by a condominium development the other day in Centerville, which he thought could be an excellent project for the area. It was noted that the Land Use Master Plan designates the area as Residential Overlay with hillside protection. Mrs. Ukena questioned what the Commission thought about mixed-use for the area. Commissioner Farr stated there is a lot more action going on with that portion of Riverdale Road, and he does not know if residential is truly the best use for the property.

Mrs. Ukena indicated that she would look at the General Plan and the property, and she would bring some things back to the Planning Commission.

**Motion** Commissioner Farr moved to recommend to the City Council regarding a new zoning designation for the area south of the established "demarcation line" south of 4400 South in the following order: 1) the proposed draft mixed-use zone, which the Planning Commission has already recommended, and the City Council has reviewed; 2) S10-13D, Low Impact Transition Overlay Zone; 3) the Residential Overlay Zone, which is the recommended zone on the City's Proposed Land Use Master Plan and City's General Plan, Area 7; and 4) no matter which direction the City Council decides to take, the Planning Commission recommends that the City Council enforces the Health and Sanitation ordinance (§4-5) and clean up 4400 South and remind the City Council that the area in question is in an RDA Area. Miller seconded. The motion passed unanimously.

**Discretionary Business**

There was no discretionary business discussed at this time.

With no further business to come before the Commission at this time, Commissioner Hunt moved to adjourn the meeting. Commissioner Eskelsen seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:34 p.m.

Attest:

Approved: June 14, 2005

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Michelle Douglas  
Planning Commission Secretary

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Greg Limburg  
Chair