

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, June 14, 2005, at 6:30 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive

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

Members Excused: Allen Miller
Kathy Tanner

Others Present: Jan Ukena, City Planner
Michelle Douglas, Planning Commission Secretary

Ronald MacKnight	Ted Espinoza	Jeanette Kendall
Sue Randall	Alan Arnold	Andrew Adams
David Budge	Roy Miller	Norma Miller
Wendy Jepsen	Rafe Langston	

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

Consideration of Minutes

Motion Commissioner Hunt moved to approve the minutes of the preplanning work session of March 22, 2005 as proposed; and for approval of the regular meeting of March 22, 2005 as proposed; the preplanning work session of April 12, 2005 as proposed; and for approval of the regular meeting of April 12, 2005 as proposed; and the for approval of the regular meeting of April 26, 2005 as proposed; and to waive the reading. Commissioner Eskelsen seconded the motion; the motion passed unanimously.

Conditional Use Permit / Home Occupation Application

David Budge - DB Lawn Care

Mr. David Budge was present at the meeting to discuss his conditional use permit for a home occupation business license for a lawn care and handyman service. Mr. Budge lives in an R-2 zone, and he owns the home.

Mr. Budge will have lawn care equipment and tools that are associated with a lawn care business. The Commission advised Mr. Budge that he would not be able to keep grass clippings at the dwelling overnight; he would have to take the clippings to the county dump every day due to the smell. Mr. Budge indicated that he would only be doing lawn care part-time; he inquired if he could bag the lawn clippings. The Commission agreed that Mr. Budge could bag the lawn clippings; however, if smell becomes a factor of Mr. Budge's home occupation, he will have to take the grass clippings to the country dump every day.

Discussion followed regarding Mr. Budge's additional request for a handyman's license. Staff explained to Mr. Budge State Code requirements that apply to a handyman. The following State Codes apply per Utah Code Annotated 58-55-305: (8)(a) A person engaged in the alteration, repair, remodeling or addition to or improvement of any building with a contract or agreed value of less than \$1,000, including both labor and materials, and including all changes or additions to the contracted or agreed upon work; (b) notwithstanding Subsection (8)(a) work in the plumbing and electrical trades must be performed by a licensed electrician or plumber except as otherwise provided in this section.

Mr. Budge was advised if he wanted to go over the \$1,000 limit, he should look into getting a State contractor's license.

Motion Commissioner Eskelsen moved to grant the conditional use permit for a home occupation located at 626 West 4275 South for David Budge, DB Lawn Care, as requested. Commissioner Hunt seconded the motion. The motion passed unanimously.

Ronald MacKnight - Mactech Installations

Mr. Ronald MacKnight was present at the meeting to discuss his conditional use permit for a home occupation business license for a basic carpentry/handyman repair services. Mr. MacKnight lives in an R-2 zone, and he owns the home.

Mr. MacKnight stated he understands the State Code governing a Handyman's license; he went on to say he understands that he cannot go over \$1,000, including both labor and materials, per job.

Mr. MacKnight informed the Commission that he has a 12-foot enclosed trailer that he would park in his driveway. In addition, he has carpentry tools, and he will not be storing any materials; he tries to only buy them as he needs them.

Motion Commissioner Hunt moved to grant the conditional use permit for a home occupation located at 5093 South 1225 West for Ronald MacKnight, Macteck Instalations, as requested. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Ted Espinoza - Lightening Limousine

Mr. Ted Espinoza was present at the meeting to discuss his conditional use permit for a home occupation business license for a limousine service. Mr. Espinoza lives in an R-2 zone, and he owns the home.

Mr. Espinoza owns a 48-foot limousine, and he keeps it parked in his driveway. Mr. Espinoza informed the Commission that he has a taxi endorsement, which is what he is required to have. He explained the only the he is utilizing his dwelling for is a home office.

Motion Commissioner Coleman moved to grant the conditional use permit for a home occupation located at 564 West 5225 South for Ted Espinoza, Lightening Limousine, as requested. Commissioner Hunt seconded the motion. The motion passed unanimously

Jeanette Kendall - Kendall's Treasures and Creation

Ms. Jeanette Kendall was present at the meeting to discuss her conditional use permit for a home occupation business license for making and selling crafts at the fair. Ms. Jeanette Kendall lives in an R-2 zone, and she owns the home.

Ms. Kendall informed the Commission that she has a room in her basement where she makes homemade signs, and she keeps a certain amount of water-based paints.

Motion Commissioner Eskelsen moved to grant the conditional use permit for a home occupation located at 1176 West 5525 South for Jeanette Kendall, Kendall's Treasures and Creation, as requested. Commissioner Coleman seconded the motion. The motion passed unanimously

Sue Randall - O.K.S. Service/One Kleaning Specialist Service

Ms. Sue Randall was present at the meeting to discuss her conditional use permit for a home occupation business license for a cleaning service. Ms. Randall lives in an RMH zone, and she owns her home in the mobile home park.

Ms. Randall informed the Commission that she utilizes her dwelling for an office only. The chemicals that she stores in her home are typical home cleaning upplies. She went on to explain she has a van that she utlizes to get to and from her diferent job sites.

It was inquired if Ms. Randall has any employees. Ms. Randall noted that she does not as of now; however, she could in the future. It was explained if she ever does have any employees, they would not be able to come to her dwelling to work; however, they could meet her out on the job site.

Motion Commissioner Eskelsen moved to grant the conditional use permit for a home occupation located at 4375 Weber River Dr. #69 for Sue Randall, O.K.S. Service/One Kleaning Specialist Service, as requested. Commissioner Farr seconded the motion. The motion passed unanimously

Wendy Jepsen - Longpaw Music

Ms. Wendy Jepsen was present at the meeting to discuss her conditional use permit for a home occupation business license as a musician. Ms. Jepsen lives in an R-2 zone, and she owns the home.

Ms. Jepsen informed the Commission that she is a musician, and she will keep an iventory of her CDs in a closet of her dwelling. She went on to explain that she has a computer that she utilizes, and she keeps her guitar in her home office as well. It was inquired if Ms. Jepsen does any recording at her dwelling. Ms. Jepsen indicated that she does not record at home, nor does she sell any CDs at her dwelling; she sells her CDs over the Internet on her website.

Motion Commissioner Hunt moved to grant the conditional use permit for a home occupation located at 4985 South 1150 West for Wendy Jepsen, Longpaw Music, as requested. Commissioner Eskelsen seconded the motion. The motion passed unanimously

Conceptual Discussion regarding a two-lot or three-lot subdivision located at approximately 1315 Ritter Drive

Mr. Alan Arnold was present at the meeting to discuss his conceptual idea of subdividing the property he owns, which is located at approximately 1315 Ritter Drive. The property is zoned R-1-8 and consists of approximately 34,813 square feet; the property has 278.93 feet of frontage (215 and 64 feet). The minimum requirements for an R-1-8 lot are as follows: the lot size minimum is 8,000 square feet and the lot frontage minimum is 70 feet. In addition, the lot has a right-of-way that needs to be recognized, which Mr. Roy Miller has access to.

It was stated if the subdivision does not flow with three lots, the petitioner would have to go with only a two-lot subdivision. Chair Limburg pointed out if Mr. Arnold put three lots on the area, he would be land locking one of the lots. Mr. Arnold indicated he would not; he would have frontage for all three lots and the right-of-way for ingress and egress so there should not be too much of an issue.

Discuss followed regarding the right-of-way, which is recorded on the property. Mr. Arnold presented the Commission with the right-of-way, which he had in its written form verbatim. Mr. Arnold explained that it goes from the one side of the property (the west side of the property) to between the trees. He went on to say he spoke to Public Works Director Lynn Moulding, and someone owns the trees and the hillside fronting his property; and there should be a way to incorporate that land into his lot so it could be maintained, which he would be willing to do.

Commissioner Farr asked Mr. Arnold to draw in where he thought the lots line would be on the provided aerial. Mr. Arnold proceeded to sketch in approximately where the lots line would be on the aerial, which was provided to the Planning Commission. He informed the Commission that he would keep one of the lots. Commissioner Farr clarified that Mr. Arnold would like to incorporate the trees and the hillside that front his lot. Mr. Arnold indicated that he was interested in obtaining the property in question. Mrs. Ukena informed the Commission that the property in question is currently owned by the City.

It was inquired if there are any hillside issues on Ritter Drive now. It was noted that there are some issues down by Mr. Carl Cook's parcel. In addition, it was reiterated that Mr. Roy Miller utilizes the right-of-way easement on Mr. Arnold's parcel. It was explained that the right-of-way easement would basically be the road to the proposed lots; there would not be any driveways off of Ritter Drive - there could be driveways; however, they would be really steep.

Chair Limburg stated he perceived that the subdivision could be a problem; one it appears to be a flag lot or a landlocked parcel. Mr. Arnold indicated by definition there would not be any landlocked parcels or flag lot parcels; the property just has to front on a dedicated road and it does. The lots would front on Ritter Drive; he has approximately 214 feet of frontage. Chair Limburg questioned if the lots would be buildable due to the easement. Mr. Arnold stated that the easement would be a part of the frontage and the front setback. Mrs. Ukena indicated that was correct; the easement can go through the frontage of the lot. She went on to say what would happen is he would have to draw a site plan with the existing easement running through the lots so when dwellings are built, the dwellings could only be built in the buildable area.

Chair Limburg stated that he understands Mr. Miller's concern; furthermore, he understands what Mr. Arnold is trying to accomplish. However, in the same respect, they are creating a "can of worms" for 25-years down the road.

Commissioner Hunt inquired if the right-of-way easement would be the primary access to the proposed lots. Mr. Arnold indicated if there were three lots, the easement would be the primary access. If there are only two lots, there is the ability to access the lots from the same area.

Commissioner Eskelsen questioned the ability for safety vehicles to access the property. Mr. Arnold indicated that he took the conceptual plan to the Public Safety Department, and they are okay with the conceptual plan.

Chair Limburg suggested to Mr. Arnold when he came back with a preliminary plan, that he come back with two plans - a plan with two lots and a plan with three lots. He noted that he knows it is a private drive; however, he believes it would be best to have two plans. Mrs. Ukena clarified that the easement is not a private drive; the easement goes with the land and there is legal access to the land - no one owns the easement; the property owner owns the land, but they only have legal access to the easement. Chair Limburg stated he has seen where an easement goes away; a parcel of land becomes landlocked property. Mrs. Ukena explained that an easement could not go away; it has to be deeded; the Millers would have to deed the easement back to Mr. Arnold.

Chair Limburg suggested that Mr. Arnold have the Fire Department look at his conceptual plan. Mr. Arnold said the Fire Department has reviewed the plan, and they do not have any issues with the subdivision with two lots; however, they do not want to back down out of the property with the easement.

Commissioner Farr stated that from the appearance of the county parcel map, it appears as though the Millers own everything east of 5400 South Street; in addition, the property appears not to be landlocked. Commissioner Farr went on to say, he would suggest that Mr. Arnold get a site plan with a proposal since he is within his rights to subdivision because he has enough area and frontage; however, he would like to make a suggestion that the easement be an actual lane since it is the only actual access to the Miller's property.

Chair Limburg reminded Mr. Arnold that the discussion at hand is only a conceptual discussion, and he would have to come back for a preliminary and a final discussion/review. He went on to say the Commission is not trying to make it difficult for him to subdivide his property, they just want to make sure it is done right and in a manner that is best for everyone involved.

Conditional Use Permit located at 4465 South 600 West (Classic Waterslide site) for the requested use of Apartments in a CP-3 zone located on 1.5 acres.

Chair Limburg informed everyone in attendance that the Commission discussed the agenda item during their preplanning meeting, and the Commission realizes the situation they have. The Commission denied the petitioner's first conditional use permit application and the City Council

denied the application as well. He went on to explain the petitioner has reapplied with their second condition use permit, and we are starting all over.

Chair Limburg referred to the conditional use permit application; he noted that the petitioner would like to get a conditional use to construct apartments located at 4465 South 600 West, which is the Classic Waterslide site. Chair Limburg noted that the petitioner has not presented a preliminary site plan.

Mr. Andrew Adams informed the Commissioner that he did present a preliminary site plan with the conditional use permit. Chair Limburg explained that the agenda is for Consideration of Conditional Use Permit only; the agenda for the evening does not address Consideration of Preliminary Site Plan approval.

Discussion followed regarding Mrs. Ukena's conditional use recommendations for the proposed applications, which is designated as Exhibit "A". It was noted that the geo-technical report that doesn't have to be provided until site plan submittal. Item number two addressed UDOT issues and the need for street improvements to meet City standards; in addition, the petitioner is to acquire and record UDOT property north and west of the waterslide property that is unimproved to be a part of the development, which is also to meet City standards and be dedicated to the City. Ms. Ukena referred to the City's trail system and reminded Mr. Adams that the Commission would like access to a 10-foot trail easement. In addition, the development needs to be a gated community with some type of 24 hour/7 day a week on duty manager; the Commission does not want to have any issues with transient activity. In construction of the actual apartment units, it has been recommended that there be double pane windows and central air conditioning to mitigate train, traffic and airplane noises. Finally, it was expressed if the petitioner would like to have signage, the signage would need to meet the City's sign ordinance; no off-site signage would be permitted.

It was inquired how many units would be constructed. Mr. Adams informed the Commissioner that they are proposing 36 apartment units; they will not have more than 36 units.

Commissioner Farr indicated that their last meeting with Mr. Adams they discussed utilizing the road adjacent to the storage units, which is currently 15 to 20-feet wide. Mr. Adams explained they have to get their conditional use approved first, and then they need to work toward getting their site plan approved. Following that, his goal is to deal with Mr. Headman's developer; his second goal is to proceed working with the streets and UDOT. He will have to show that UDOT and Mr. Headman's developer are working together to widen the road to City standards, and then the City will take deed of the road after it is to City standards. He noted that he still has negotiations with UDOT.

Motion Commissioner Farr moved to approve the Conditional Use Permit for the use of apartments located at 4465 South 600 West with the conditions as shown within Exhibit "A": 1) The petitioner will meet all of the requirements, with written approvals from a. Fire Department, issues addressing but not limited to turn around location hammer head, etc, fire hydrant locations, height of building. b. Public Utility, issues addressing but not limited to right away, streets, UDOT, water, sewer and storm water, flows for fire hydrant, storm water detention, curb gutter and sidewalks, stub to adjacent property to south, City

standards for street. c. Police Department, issues addressing but not limited to and solutions they would have with housing that close to rail yards and the transient population. d. Engineering, issues addressing but not limited to the Geo-Tech Report including the Geologic Hazards Evaluation, water table, natural springs, landslides, etc. 2) The developer will provide written approval from UDOT for street improvements (to City standards) and access to Riverdale Road. Acquire and record UDOT property north and west of waterslide property that is unimproved to be part of the development to be developed as a street to be built to City standards and dedicated to Riverdale City. 3) The petitioner will provide a 10-foot trail easement from the Southeast of the property to the public right of way on the west. 4) The complex is gated with full time security and maintenance manager at the site including security lighting. 5) There are double pane windows and central air conditioning to mitigate train, traffic and airplane noise. 6) Off-site signage is not permitted 7) the property will maintain its landscaping and have a maintenance person on site 24-hours/7-days a week even if the facility is closed and sold, the new owners would be subject to these same requirements. 8) If more than a 36 units are proposed, a new traffic report will be provided. 9) The site will meet all of the ordinance requirements in regards to building design, parking, landscaping, lighting, and signage. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

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 7:45 p.m.

Attest:

Approved: July 26, 2005

Michelle Douglas
Planning Commission Secretary

Greg Limburg
Chair