

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **August 23, 2005** at 6:30 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Members Excused: Brent Coleman
Kathy Tanner

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

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

Appointment of New Chair and Vice-Chair for the remaining term of the Years 2004-2005

Motion Commissioner Eskelsen moved to appoint Commissioner Don Farr as the Riverdale City Planning Commission Chair. Commissioner Miller seconded the motion. The motion passed unanimously.

Motion Commissioner Miller moved to appoint Commission Don Hunt as the Riverdale City Planning Commission Vice-Chair. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Consideration of Minutes

Motion Commissioner Eskelsen moved to approve the minutes of the preplanning work session and regular minutes of February 22, 2005; the minutes of the preplanning work session and regular minutes of the July 12, 2005; the minutes of the preplanning work session and regular minutes of the July 26, 2005; and the minutes of the preplanning work session and regular minutes of the August 9, 2005 as amended with minor grammatical corrections during the preplanning work session; and to waive the reading. Commissioner Hunt seconded the motion; the motion passed unanimously.

Conditional Use Permit / Home Occupation Application

Joel Kenny - Kenny Law Firm, LLC

Mr. Joel Kenny was present at the meeting to discuss his contional use permit for a law office in his dwelling. Mr. Kenny explained that he is a new attorney, and he is starting his practice out of his dwelling; and after he gets started, he will move into an office area in the next six months to a year.

It was noted that Mr. Kenny rents his dwelling, and he needs to have a letter of approval from the property owner to utilize the dwelling for a home occupation. Mr. Kenny presented the Commission

with a letter from the property owner indicating that he could utilize the dwelling for a home office.

Commissioner Hunt inquired the amount and nature of legal services he would be providing. Mr. Kenny informed the Commission that he would meet his clients at the court house; he would not be meeting any of his clients at the dwelling. He would only be utilizing the dwelling as a home office. Commissioner Eskelsen informed Mr. Kenny that the Sherwood Park's Association has bylaws, which dictate that a home-based business cannot generate any traffic to a dwelling.

Motion Commissioner Hunt moved to grant the conditional use permit for a home occupation located at 3934 Lamplighter Way for Joel Kenny, Kenny Law Firm, LLC, as requested. Commissioner Miller seconded the motion. The motion passed unanimously.

Bruce Larsen - Aero Thermo Technology

Mr. Bruce Larsen was present at the meeting to discuss his conditional use permit for a home-based office. Mr. Larsen informed the Commission that he works for Aero Thermo Technology, which is a company that does systems engineering and missile technology for the United States Air Force. He explained that he works for the company 40 hours a week and he might utilize his home office 30 minutes a week to do administrative work in association with his work for Aero Thermo Technology.

Motion Commissioner Miller moved to grant the conditional use permit for a home occupation located at 825 West 4250 South for Bruce Larsen, Aero Thermo Technology, as requested. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Maria Cruz - Mara's Housekeeping

Maria Cruz was present at the meeting to discuss her conditional use permit for housekeeping services. It was explained that Ms. Cruz has a contract to provide housekeeping services at the Freeport Center and the contract requires Ms. Cruz to have a business license.

It was inquired if Ms. Cruz has any employees. Ms. Cruz indicated that she does not have any employees. Ms. Cruz was informed if she ever obtains any employees in the future, they would not be able to work out of her dwelling or to meet at her dwelling; they will have to meet at the job site.

Motion Commissioner Eskelsen moved to grant the conditional use permit for a home occupation located at 948 West 4200 South for Maria Cruz, Mara's Housekeeping, as requested. Commissioner Hunt seconded the motion. The motion passed unanimously.

Steven Bell - Candle Holder Classics

Mr. Bell was not present at the meeting; no action was taken.

Conditional Use Permit for a Les Schwab Tire Center of Utah located at 627 West Riverdale Road (old Willies Automotive site)

Mr. Matthew Idema, CLC Associate, Inc., was present at the meeting to discuss the conditional use permit for a Les Schwab Tire Center in an RDA area located at 627 West Riverdale Road. Mr.

Idema informed the Commission that the property is under contract to be purchased and Les Schwab's intention is to redress the existing buildings, both the service building and the showroom building, to enable Les Schwab to start their business. He went on to explain they are also looking at the property to the west, which is the "Thatcher Property" in order to allow them to expand the service area. There has also been a lot of discussion with Ken Garff.

Mr. Idema stated in looking through Staff's report there are six items that need to be addressed, and it seems they are points they are willing to concede for construction documentation. At this point Mr. Idema indicated he would yield the floor for any questions from the Commission members.

Commissioner Hunt stated the proposal seems straightforward. He indicated that he would like to keep to the discussion of Les Schwab and forget about the other discussions. He inquired if they had a best guess as to how long it would take before they would take occupancy of the building.

Mr. Idema noted they would like to move forward as fast as possible and utilize the existing service bay; he explained they have plans as to how the service bay would work and their intention is to eventually expand the building. Mr. Idema noted once they get through with expanding, they will want to subdivide the property. He informed the Commission that the architectural identification would be step two. He stated that Les Schwab is aggressive in moving forward

Discussion followed regarding Staff's six comments. Mr. Idema mentioned the piece of property, which is in conjunction with the City's trail system, would either need to be an easement or a dedicated piece of property to the City. He went on to say the site's landscaping needs to be kept up; and the asphalt needs to be re-stripped.

Mr. Idema stated that he believes they are together on a meeting of the minds. They are in the interim on the site and there are steps that need to be taken. He explained what they are asking for is the first step to get to that point (the point where they need to be to take occupancy).

Mr. Idema indicated the existing service bay is only 1/3 the size of what a Les Schwab building is. Mr. Idema explained that their intent is to get in there and do a redressing of the first building. He went on to explain on an annual basis, Les Schwab does inspections of their facilities; and they do upkeep and take care of the needs of their buildings.

Mrs. Ukena clarified that Les Schwab is not doing any expansion of any buildings at this point; they are just doing colors at this point. Mr. Idema stated that they just want to get in and occupy the building at this point. In addition, they are going to combine the two parcels making them one again. These are the conditions for them to get their doors open.

Discussion followed regarding the trail property. Mr. Idema explained if the property is designated as an easement, it would count as a part of the site's landscaping requirements. He informed the Commission they are in the process of having an Alta survey and it is almost completed. He went on to say there are also some other FEMA issues as well. He indicated that FEMA is doing a new analysis and some other issues have become apparent and the FEMA analysis should be complete by the end of the year.

Commissioner Hunt pointed out that one of the conditions for Les Schwab is they could only use the showroom for six months with a possible extension because they would like to see the project moving forward.

Mr. Larry McMichael, Les Schwab, indicated that condition is not realistic. He said they have a long-term plan and that is to build a new facility, which is west of the facility. He went on to say for them to get through the building department and have a building built is not realistic. Mr. McMichael stated if their conditional use permit is allowed, and for them to come in and get land in place, draw plans, pull permits and build a facility - it cannot happen. He added that they could not control the City.

Mrs. Ukena explained that the RDA Board wants to keep them moving, and they could go back to the RDA Board for an extension. Furthermore, it would not be the building department holding them up. She stated as long as the things are moving forward and nothing is being held up; the process should move forward. Mrs. Ukena indicated that she believes the RDA Board gets a little hesitant when nothing happens; however, it sounds to her like Les Schwab is moving forward. Mr. McMichael stated that Les Schwab is putting forth a substantial amount of money, and they are moving forward.

Mrs. Ukena said she believes in six months Les Schwab will know what direction they are going to go.

Mr. McMichael indicated that they have one question as they move forward. As they build a new building, subdivide the parcel, and then they try to sell a parcel, they would not have control over what another developer is doing. Their concern is that they are not hitched on the lack of retail interest, which is more of a good faith interest for them.

Mrs. Ukena explained that the Planning Commission is the body that would set conditions for the use. The RDA Board sets the other parameters, and she cannot speak for the RDA Board.

Commissioner Eskelsen stated that she had a concern with the overall landscaping. She inquired what landscaping would be improved. Mr. Idema indicated that they would be improving the frontage area, behind the showroom, and the trail system area. He added that they would be submitting a landscape plan. In addition, they would be improving south of the service bay area to a certain standard as well. Commissioner Eskelsen clarified that they would be taking care of and resurrecting the existing landscaping. Mr. Idema explained that he did not think they would even be keeping the existing landscaping; they are going to improve it and it will all be within City code. Mr. Idema stated that their intent is to clean up the whole area; he indicated that it could take full demolition of the entire site to clean up the whole area.

Mr. Idema presented the Commission with the type of material they will be utilizing to cover the existing block of the building. He informed the Commission the material is called Tex-Cote, and they use it to cover the top of the existing block in conjunction with utilizing a brick veneer.

Motion: Commission Eskelsen moved to approve the conditional use permit for a Les Schwab Tire Center of Utah located at 627 West Riverdale Road with the conditions listed, as follows,

that was agreed upon prior to Les Schwab opening. 1) Eliminate parcel 06-199-0008 (14,947 square feet) and combined it into one parcel with 06-199-0006, which can be accomplished as a quick claim; 2) Restore the existing landscaping to the original site plan approvals from Willie's site; 3) Re-strip the parking area; 4) Redress the showroom and service area with rust and cream color, as shown with Exhibit A, (cream stucco type paint); 5) Record the easement agreement on the existing public parkway; and 6) a development agreement to be completed at time of approval from the City Council for the occupancy of the current buildings and remodeling of the site to be completed within one year, with occupancy of showroom not to exceed six months with a possible extension granted by the Redevelopment Board. Commissioner Miller seconded the motion. The motion passed unanimously.

Public Hearing - to receive and consider public comment regarding proposed amendments to Title 10, Chapter 1, Section 5 (§10-1-5), specifically General Provisions - Changes and Amendments to come in compliance with State Code, Title 10, Chapter 9a, Municipal Land Use, Development and Management

Public Hearing

Chair Farr opened the public hearing at 7:14 p.m. for amendments to Title 10 for changes and amendments to comply with State Code, Title 10, Chapter 9a, Municipal Land Use, Development and Management.

Mrs. Ukena indicated that Senate Bill 60 changed the process for public hearings. She explained that the Planning Commission, by state law, now has to conduct public hearings for any amendments to Title 10 and for rezoning hearings and the City Council, by state law, conducts public meetings.

There being no public comment, Chair Farr closed the public hearing at 7:16 p.m.

Chair Farr indicated that he went through the draft ordinance, and he noted the changes. It was inquired why the state made these amendments. Mrs. Ukena explained when the Planning Commission holds a public hearing, the public can come in to the Planning Commission and bring up issues to the Planning Commission and the issues could be addressed prior to them going to the City Council. In addition to issues, there are good points and bad points that can be addressed prior to amendments going to the City Council.

Mrs. Ukena informed the Commission that the City Attorney has reviewed the amendments to the code and made his recommendations regarding such; however, he has not reviewed the actual Ordinance as formatted.

Motion Commissioner Miller moved to recommend to the City Council to hold a public hearing to adopt the presented ordinance, which amends title 7 and Title 10, specifically amending said Titles and Chapters to conform to Utah State Annotated Code, amended 2005 as presented. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Public Hearing - to receive and consider public comment regarding proposed amendments to Title 10, Chapter 14, Regulations Applicable to All Zones, Specifically §10-14-12 Nonresidential Development Landscape Requirements

Public Hearing

Chair Farr opened the public hearing at 7:21 p.m. for proposed amendments to Title 10, Chapter 14, Regulations Applicable to All Zones, Specifically S10-14-12 Nonresidential Development Landscape Requirements.

Mr. Norm Baker inquired if the City still owns the old fire station building on the corner of 700 West and Riverdale Road. Mrs. Ukena indicated that the City does not; a private entity owns that parcel. Mr. Baker stated that was too bad; the parcel needs to be cleaned up.

There being no public comment, Chair Farr closed the public hearing at 7:22 p.m.

Mrs. Ukena informed the Commission that the City Attorney has reviewed the proposed amendments to the code, and he made quite a few changes to the ordinance; however, he has not reviewed the actual Ordinance as formatted. She went on to say she did have "at the Planning Commission's discretion" in the new draft; however, Mr. Brooks changed that particular wording; he did not like the word discretion. The wording was changed to "the Planning Commission may require".

Commissioner Eskelsen referred to Option B; she inquired if a petitioner could come in and do whatever they want to do. Mrs. Ukena informed the Commission that a petitioner could not take any ordinance out of context. Furthermore, the Planning Commission will have the discretion to say what they do and do not like.

Commissioner Farr noted at the beginning of the proposed amendments, with the addition of the residential verbiage, he questioned if the City would enact this with the subdivisions that are in place and would it apply immediately. Mrs. Ukena explained that the ordinance would become effective as soon as it is adopted and it would apply to a residential lot as soon as a building permit is pulled.

Commissioner Farr indicated that a builder already has their costs figured and then the City says, "by the way, here is an additional cost". He stated this would be a fee that will catch a builder unaware. Mrs. Ukena said technically it is not a City's place to inform a contractor of all the ordinances within a City; however, in every City she has worked in, the City informs the builder of any new ordinances. She reminded the Commission from November to April, a new dwelling would only receive a temporary occupancy until it gets it required front and side landscaping installed.

Commissioner Hunt stated that he understands there will be some heartburn for the contractor, the developer or the property owner. However, there is also heartburn for the adjacent property owners that live next to individuals that do not put in their yards for two years, and they want to live in nice neighborhoods.

Commissioner Farr pointed out the ordinance only requires the installation of a landscaped yard with an appropriate irrigation system. He noted that it does not include trees or bushes. He went on to say when people want to put in trees or bushes, they will have to tear out their irrigation system to do their yard the way they want it. It was said that the homeowner would not have to

tear out their irrigation system; it would be a choice if they wanted to redo their irrigation system to accommodate different needs of their yard.

Commissioner Hunt stated that most of the new developments he goes into now are doing it this way now. He said there was the mention of an enforcement officer in a previous discussion, but he believes it would be harder to enforce landscaping requirements after the fact.

Motion Commissioner Miller moved to recommend to the City Council to hold a public hearing to adopt the presented ordinance, specifically amending Title 10, Chapter 14, Section 112, (§10-14-12) Nonresidential Development Landscaping Requirements as presented. Commissioner Hunt seconded the motion. The motion passed unanimously.

Discretionary Business

Mrs. Ukena addressed residential swimming pools. She explained that currently swimming pools and the associated pool equipment have to be 35-feet from any adjacent dwelling and most 8,000 square foot lots and corner lots cannot accommodate a swimming pool. Mrs. Ukena informed the Commission that Staff is going to look at the current ordinance, and they have looked at some other city's ordinances. She went on to say they are going to try to put together some amendments for the Planning Commission to review to consider revising the standards. She indicated that the pool equipment use to be so loud and now the equipment is quieter than an air conditioning unit. Mrs. Ukena informed the Commission she is not sure if the 35-foot setback has real value now.

Mrs. Ukena asked the Commissioner members to think about the proposed amendment, and if they have any ideas, to let her know. She indicated that she could not see any reason to not go with the setbacks of the property.

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 7:55 p.m.

Attest:

Approved: September 13, 2005

Michelle Douglas
Planning Commission Secretary

Don Farr
Chair