

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **September 27, 2005** at 6:30 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

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

Members Excused: Allen Miller

Others Present: Jan Ukena, City Planner
Michelle Douglas, Planning Commission Secretary
Rick Thomas Wayne Belka Eva Bingham
Michelle Tesch Pam Kramer

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

Consideration of Minutes

Motion Commissioner Eskelsen moved to approve the minutes of the of the regular meeting of September 13, 2005 with the corrections as noted during the preplanning meeting; and to waive the reading. Commissioner Tanner seconded the motion; the motion passed unanimously.

Conditional Use Permit / Home Occupation Application

Richard and Michelle Tesch - Four J Vending Service

Mrs. Michelle Tesch was present at the meeting to discuss her conditional use permit for a home occupation business license for a vending service. Mr. And Mrs. Tesch live in an R-2 zone and they own the own.

Mrs. Tesch informed the Commission that she and her husband would like to open a vending business and most of the vending business would be done out of their vehicle. She went on to explain that they have three vending machines and they have a truck that they store their inventory in.

It was inquired if Mr. and Mrs. Tesch have employees. Mrs. Tesch explained on their family helps them with the business. It was explained that the ordinance specifies they would not be able to have individuals come and work from their home.

Mrs. Ukena questioned where the machines are stored when they are not in use. Mrs. Tesch explained they would be stored in the garage. Mrs. Ukena inquired if the Teschs take delivery of their vending products or if they pick them up. Mrs. Tesch indicated that they pick up the items.

Motion Commissioner Hunt moved to grant the conditional use permit for a home occupation located at 4505 South 1000 West for Richard and Michelle Tesch, Four J Vending

Service, as requested. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Eva Bingham-Persson - All Health Kneads Massage Clinic

Ms. Eva Bingham was present at the meeting to discuss her conditional use permit for a home occupation business license for a massage clinic. Ms. Bingham lives in an R-2 zone and she owns the home.

Ms. Bingham informed the Commission that she she has been doing massage therapy for 15 years. She went on to say she has one room at the front of her home that she would like to utilize for a massage clinic and she has plenty of parking at the dwelling she can utilize.

It was inquired if Ms Bingham would only have one appointment at a time. Ms. Bingham explained it would only be her that works out of the home, and she would only have one appointment at a time.

Commissioner Tanner inquired is there are any health department requirements for massage therapy. Ms. Bingham explained there are requirements for how the sheets are washed and stored; she noted there are requirements for how they are stored in an enclosed cabinet. Ms. Bingham indicated the only time she knew of an inspection was when she worked at a salon.

It was inquired if Ms. Bingham would have a sign and it was explained if she planned to have a sign, she would be limited to a two-square foot sign, which has to be attached to the dwelling. Ms. Bingham informed the Commission that she did not plan to have a sign at this time; however, if she does get a sign, it will be a magnetic sign that she will attach to her front door.

Motion Commissioner Tanner moved to grant the conditional use permit for a home occupation located at 1087 West 4175 South for Eva Bingham-Persson, All Health Kneads Massage Clinic, as requested. Commissioner Eskelsen seconded the motion. The motion passed unanimously

Conceptual discussion regarding a commercial development for an Arby's located at 760 West Riverdale Road

Mrs. Ukena addressed the Planning Commission regarding the proposed commercial development for an Arby's located at 760 West Riverdale Road. The proposed building is 3,052 square feet and it would be a "ground lease" situation with the current property owner. The property in question is zoned C-3, is located in Riverdale City's Redevelopment Area 1, and consists of approximately 39,870 square feet.

Mrs. Ukena informed the Commission that Mr. Wade Gonzalez works for Arby's and is the construction project manager for the location. She went on to say Mr. Gonzalez works out of California and he will not be present for the conceptual discussion. Mr. Daily indicated to Mr. Gonzalez that he did not have to fly out for the conceptual discussion - Staff could present the conceptual site plan.

Discussion followed regarding the proposed site plan. Mrs. Ukena pointed out that the existing site has four access points; she noted that there is one access point to the alleyway; however, she does

not believe that is their access point. The proposed site plan shows to access points onto Riverdale Road. Mrs. Ukena said her recommendation is to get with UDOT and hammer out the access points. She went on to say she does not know how much land UDOT will take with the road-widening project. Commissioner Farr indicated Arby's might want to consider moving their building back.

Mrs. Ukena addressed landscaping and parking; she noted the site has more than enough of both. The proposed site plan shows 52 parking stalls and the site is required to have 30. The site has five-car stacking, which is more than adequate for the proposed site.

Mrs. Ukena stated that Staff's recommendation is to have the applicant proceed with their preliminary site plan. She added that the Redevelopment Board has approved the use and the petitioner is aware they cannot paint the exterior of the building.

Commissioner Tanner indicated that she would like to express to the petitioners that the Commission is interested in having the petitioners work out cross-access agreements with the adjacent properties.

Discussion and recommendation regarding zoning request and review of development agreement for 92.7 acres for Unity Enterprises located at approximately 5100 South Weber River Drive

Mr. Wayne Belka and Rick Thomas, Unity Enterprises, were present at the meeting to discuss a zoning request, development agreement, and development plan Unity Enterprises has for the property located at approximately 5100 South Weber River Drive.

Mr. Belka reminded the Commission that they were before the Commission in May 2005 for a zoning request of C-3 and subsequent to that meeting, they were told the process was not complete and they were told they would have to resubmit their application. He went on to explain at that time they were looking for a mixed-use zone but the City did not have one. However, the City has since approve a mixed-use zone.

Mr. Belka informed the Commission they have re-evaluated the property, and maybe the best zone instead of the C-3 designation would be a multiple-use zone and the R-1-8 zone. In addition, 24.96 acres would be designated back to the City and it would remain A-1.

Mr. Belka indicated they would like to utilize the multiple-use zone for multi-family, commercial and office warehousing. He went on to explain within the multiple-use area, Unity Enterprises would propose a lot of secondary routing, which would prevent no dead ends or blockage. Mr. Belka added that Unity Enterprises is under the condition that all uses would be conditional uses.

Mr. Belka went on to say under the old C-3 ordinance, residential uses were allowed; however, the C-3 ordinance was amended and it took out residential uses. Mr. Belka informed the Commission they tried to determine if they could be grandfather but there seems to be a difference of opinion. The City Attorney has the option that Unity Enterprises does not and others think they do since they started the process.

Mr. Belka indicated that the Mixed-Use zone makes that mute at this point, and they believe the zone gives them what they want and makes it more palatable for the City.

Discussion followed regarding the proposed site plan. Reference was made to the jogs in the site plan to southeast. Mr. Belka explained the jogs, which are right-of-ways for Utah Power, are where the power lines are located and nothing can be built in the area. He said they could be utilized as ready-made access points to the trail system. Commissioner Tanner stated they look like a maintenance issue to her. Mr. Belka pointed out there are larger ones to south, which he has laid out parking areas. Commissioner Tanner questioned why the City would want to maintain the point location so close together. Mrs. Ukena noted it would for the City Council to determine if they want to maintain the right-of-ways.

Mr. Belka referred to the canal easement in the middle of the proposed development, which is owned by the City. He informed the Commission he spoke to Mr. Moulding regarding the easement to determine if the City would be willing to make an exchange for the canal property so the property in the middle section would be more usable.

Commissioner Tanner inquired if Mr. Belka has any concerns with people living in the area. Mr. Belka asked what type of concerns. Commissioner Tanner expressed concerns; such as, the sounds, the river, the railroad. Mr. Belka informed the Commission that the banks for the Weber River are quite high in this particular area. He went on to explain, the area to the north is more of a floodplain area. He noted that he walked the area in the Spring 2005 and the river did start to over flow its bank south of the proposed bridge; however, the area was dry at the proposed location of the bridge.

Discussion followed regarding the proposed residential area. Commissioner Tanner pointed out the lots will only be 8,000 square feet. Mr. Belka explained that 8,000 square feet would be the minimum lot size - there would be adjustments. The lots would get larger toward the power lines because a dwelling cannot be built under the power lines. In addition, Mr. Belka believes it would be an advantage to have larger lots by the river.

Mr. Belka explained the one thing they have tried to do is not back the dwelling right on the right-a-way. He further explained there would be a buffer with a solid wall on the backside, which will pull the dwellings away from the right-a-way. Commissioner Tanner noted they discussed this concept in preplanning meeting, and she is not sure she is sold on this idea. She added that the entire area would have to have some kind of buffer. Mr. Belka explained they believe this concept will make it easier to sell the properties. He went on to explain on the most southern properties there is a change in the topography, which creates about an eight-foot drop off.

Discussion followed regarding the proposed Mixed-Use area. Commissioner Tanner inquired if Unity Enterprises has a type of business in mind for the area. Mr. Belka explained that the type of businesses would be in the marketing studies they will have completed. However, at this point they thought of some type of single-story residential buildings, office warehouse type uses; such as, a small cabinet shop or contractor that needs an office with storage in the back; small service uses, real estate office, insurance office, hair salon, service uses, restaurants, and some commercial that would be a destination use. Mr. Belka explained that they could not put uses in the area that would depend on drive-by traffic.

Commissioner Farr recalled the last time they met, townhouses were a consideration. He questioned if townhouses were still a consideration. Mr. Belka indicated that townhouses are still a part of their proposed development; however, due to the restriction from the accident potential zone (APZ), they will be more in the front along the river (southern portion of the development) Mr. Belka added that their marking information will give them more information regarding this particular aspect of their proposed development. He noted that the study might say more townhouses and less office warehousing or the other way around.

Commissioner Farr expressed that he has a concern with the houses that are proposed with the development and their current location; he noted that they are excluded on their on little island. Mr. Belka explained there is a reason for this. He went on to explain the do not want a lot of traffic through the residential area; they want the least amount of traffic through the residential development and they fell that area is the most appropriate place. They want the area with the least impact and privacy.

Commissioner Hunt referred to the power line on the southeast. He inquired if the lines were the higher type of lines. Mr. Belka indicated that the lines on the southern end of that particular area are fairly high. He noted that the line were replaced with the higher poles and they were consolidated. Mr. Belka went on to explain UPL requirements and conditions.

Commissioner Tanner inquired if there is any contamination on the property. Mr. Belka said there might be some on the railroad property or the railroad's right-a-way; however, they did a quick study, and they have not found anything as of yet.

Commissioner Farr questioned if Unity Enterprises has discussed the proposed development with the Police or Fire Department. Mr. Belka said they have not discussed it with either department at this stage. He went on to explain that is why they are looking at developing a looping systems for the road system; in addition, they are showing an extension off the property, instead of a cul-de-sac, because it makes sense for the development to be able to tie into the properties to the south if those properties develop. Commissioner Farr indicated that he went up into the Terrace and looked out over the area, and he said it is a long way and very narrow; it is about a mile from the mile marker. Mr. Thomas added that it is also very steep; however, there is an old dirt road in the area, with two gates that connect, and they have seen four-wheelers back in the area.

Mr. Belka indicated that they believe it makes sense for them to provide a provision to allow traffic to move through the area. In addition, that is why they are providing the bridge to connect and a looping system as well to connect with the City's property.

Mrs. Ukena referred to the proposed dwellings. She inquired if the development plan would include CC&Rs. Mr. Thomas indicated that they are so far away from that at this point; however, that is acceptable to them. He said he believes they could cover that in the developer's agreement as well. Mr. Thomas added that he does not think any dwelling in the proposed development would be below medium range.

Discussion followed regard FEMA and the Army Corp of Engineers. Mr. Belka explained that there are issues with FEMA and the proposed bridge. He indicated that the proposed bridge itself would

cost approximately 1-million dollars plus engineering. He explained that there is about a six-foot difference in bank height, which could allow the City trail to go under the bridge instead of having to go over the bridge. Mr. Belka informed the Commission that there are also issues with the bridge span, which is approximately 120 feet.

It was questioned if there would be potential flooding of the trail in the general of the proposed bridge. Mr. Belka explained when he walked the area; he notice when you come in about 50 to 60 feet there is about a four to five foot drop off, which is where the water tends to gather. He believes if the trail stays to the high edge, the river would not flood the trail.

Mr. Belka indicated as they survey all the property, they may tweak some of the property lines. He went on to say there are some riparian areas, and wetland areas in the area that they are going to try not to disturb.

Commissioner Farr stated he believes that deep down Unity Enterprises has a plan; he questioned what do they want to do. Mr. Belka reiterated that they have completed some studies on their own; they have completed the marketing study for the homes. However, they need to evaluate the office warehousing and it is going to depend on what the marking study says. Mr. Belka informed the Commission that the trouble with the multiple-family use is they do not know how much office warehousing they are going to utilize.

Mr. Belka indicated that there are a lot of restriction on the proposed site; it is a difficult site. Now that it has been put together, they can look at it with the river and the railroad. He went on to say nothing has changed since the first time they came in May with the exception of the change from the C-3 zone to the Mixed-Use zone. Commissioner Hunt noted that the Commission thought the Mixed-Use would work. Mr. Thomas added that they are utilizing the developer's agreement.

Motion: Commissioner Hunt moved to set a public hearing for October 25, 2005, for a rezone request for Unity Enterprises located at approximately 5100 South Weber River Drive. Commissioner Coleman seconded the motion.

Commissioner Tanner questioned if the motion should reflect the actual zoning and acreage being requested for a rezone at this time by the petitioner.

Amendment: Commissioner Hunt moved to amend his motion to specify a rezone request for 50.25 acres from A-1 (Agriculture) to MU (Mixed-Use) and 17.49 acres from A-1 (Agriculture) to R-1-8 (Single-Family Residential). Commissioner Coleman seconded the amendment. The motion passed unanimously.

Discussion and Recommendation to the City Council regarding a Boundary Adjustment between Riverdale City and Washington Terrace located at approximately 4425 South 300 West Information

Mrs. Ukena informed the Commission the proposed boundary adjustment is in conjunction with the 300 West widening project. The proposed boundary adjustment is required because Federal and State law mandates that the City compensate the property owner's for parking and a drive-thru, which is being lost due to the widening project (parking for Danene's Dance Studio and the drive-

thru for Mr. Nasar Awada's business). Mrs. Ukena explained that the boundary adjustment only extends 40 feet behind Mr. Awada's property line; it does not go to his property line on the lot behind his business.

Commissioner Tanner pointed out that some property owners are not as efficient with their property as others. Mrs. Ukena explained that Mr. Awada's property is being utilized as a staging area for Washington Terrace and when they are finished, the City will try to get the property cleaned up.

Commissioner Tanner stated that Mr. Awada is so intrusive to the adjacent neighbors and now the City is giving him more intrusion rights. She went on to say she doesn't understand why the City would give Danene the parking to the north of her building. She has never had that much parking to begin with; furthermore, the lot is a residential lot. Commissioner Tanner explained that the owner of the lot has tried to sell the lot for a commercial use on three different occasions since she has been on the Commission. She reiterated the lot is a single-family lot with restrictive covenants.

Commissioner Tanner pointed out that Danene is losing six parking spaces in the front of her building. She added that she did not think Danene needed the parking on the north. Mrs. Ukena informed the Commission that Federal law says the City needs to replace the property that has been taken.

Commissioner Tanner said she did not think it is fair that the City is going to give the property to Washington Terrace and they will allow any kind of commercial in the area; in addition, it is not fair to the residents in the area. She went on to say just because the property is vacant does not mean it should be commercial.

Commissioner Tanner questioned why they need the property. She pointed out that they are not taking that much property and the City is giving more than they are taking. Commissioner Tanner said there is not even 20 feet in the front of Danene's Dance Studio.

Commissioner Hunt referred to the parcel to the north of Danene's; he noted the parcel is fairly hilly. It was questioned who would fill in the area for the parking area. Mrs. Ukena said it would probably be filled in as a part of the road project; however, that would have to be answered by Mr. Moulding.

Commissioner Tanner referred to Mr. Awada's property. She stated that he has brought in dump truck after dump truck and filled in the area with dirt and rocks.

Discussion followed regarding the overall boundary discretion. It was noted that they are not taking any easements from the golf course. The southern boundary line is moving back 41 feet, and it is running parallel with the existing boundary line.

Commissioner Farr said it appears to him they are looking into the future. Mrs. Ukena indicated that she did not know if they are making Danene close her front door and have side access for her business. Commissioner Farr stated it looks like they could have the same issues as Sav-On Sports.

Commissioner Farr reiterated what Commissioner Tanner said; he doesn't know why they need the extra parking to the north of Danene's Dance Studio. Mrs. Ukena informed the Commission it has to do with Federal law and compensating the property owners for property taken.

Commissioner Farr said he wondered what would happen to Mr. Awada's canopy. Commissioner Hunt indicated it could be four lanes and then merge down to two lanes; or they may widen it for two single lanes.

Motion Commissioner Tanner moved to oppose the proposed boundary adjustment to the City Council between Riverdale City and Washington Terrace located at approximately 4425 South and 300 West for the reasons of unanswered questions; how did they come up with the proposed boundary; why do they need to move the boundary to the north; the boundary adjustment is imposing on the adjacent residents; the restrictive covenants in the adjacent neighborhood say no commercial uses; and I don't understand why they need the property. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

Mr. Ukena referred to Staff's executive summary; she informed the Planning Commission that the disconnect is necessary to satisfy compelling agreements, requirements, and government grant conditions related to the widening of 300 West. In addition, this is a Federally funded, multimillion dollar project that Riverdale City desires to see through to completion and must follow required guidelines of which this disconnect is one of many.

Discretionary Business

Mrs. Ukena informed the Commission that their next meeting is scheduled for October 11, 2005, and the City Council is conducting their meeting the same night. Mrs. Ukena indicated that Staff would recommend that the Commission not have a meeting unless Ruby River comes in that evening; in that case, she would recommend that the Commission meet a little earlier that evening prior to the City Council. Mrs. Ukena added that there are a lot of issues with Ruby River's parking lot extension and UDOT still has to approve the plan.

Motion Commissioner Tanner moved to conduct the October 11, 2005 Planning Commission meeting earlier in the day if there is a need; and if not, she would move to absolve the meeting. 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 8:10 p.m.

Attest:

Approved: October 11, 2005

Michelle Douglas
Planning Commission Secretary

Don Farr
Chair