

Minutes of the **Regular Meeting** of the **Riverdale Planning Commission** held Tuesday, **December 13, 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  
Bart Stevens

Members Excused: Brent Coleman  
Kathy Tanner

Others Present: Jan Ukena, City Planner  
Lieutenant Dave Hansen  
Michelle Douglas, Planning Commission Secretary  
Nancy Brough Gary Griffiths Cort Walker  
Walter Evans Kevin Erezel

Chair 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.

#### **Consideration of Minutes**

**Motion** Commissioner Eskelsen moved to approve the minutes of the preplanning work session of November 22, 2005 as proposed; and for approval of the regular meeting of November 22, 2005 as proposed; and to waive the reading. Commissioner Miller seconded the motion; the motion passed unanimously.

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

##### **Jerri Spell - Spell's Daycare**

Ms. Spell withdrew herself from the agenda; no action was taken

##### **Chuck Nelson - Nelson's**

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

#### **Consideration of Conditional Use Permit for a Mother-In-Law Apartment, located at 5143 South 1225 West**

Mr. Walter Evans was present at the meeting to discuss his conditional use permit for a mother-in-law apartment for the property located at 5143 South 1225 West. Mr. Evans informed the Commission that he is in the process of purchasing the home.

Commissioner Hunt pointed out the application indicates the home will not be owner-occupied. He inquired if Mr. Evans is proposing to make the dwelling into a duplex. Mr. Evans said his intentions are to utilize the dwelling as a rental with the basement as a mother-in-law apartment.

Commissioner Hunt questioned what type of access there is to the mother-in-law apartment. Mr. Evans explained it would be through the back of the home. He noted that the access is not there as of yet; they will have to put the access in.

Chair Farr inquired how big the home is on the main level. Mr. Evans stated it is close to 1,300 square feet on the main level.

Commissioner Hunt stated he is still having a hard time with the concept of a mother-in-law apartment. Mr. Evans said they are pretty sure they can rent the dwelling with the mother-in-law apartment; however, if that does not work, they could rent the apartment to an unrelated individual.

Commissioner Stevens inquired if Mr. Evans would be doing the work on the dwelling himself. Mr. Evans explained that he would do some of the work himself, and he would contract the work he cannot do. He went on to explain he "flips" homes, which is he buys homes, fixes them up and resells them.

It was questioned what type of alterations to the dwelling would be necessary. Mr. Evans stated that the upstairs is ready to rent. The downstairs has a bedroom and a bathroom that are completed. In addition, it has a bedroom that is partial completed and a bar that would need to be replaced with a kitchen.

Commissioner Miller clarified that Mr. Evans would not be occupying the home in question. Mr. Evans explained that was correct; he and his wife already have a home in Riverdale that they live in. Commissioner Eskelsen said the mother-in-law apartment concept is a hard concept to accept if it is not owner occupied.

Chair Farr addressed Mrs. Ukena; he inquired if there are other apartments in the area. Mrs. Ukena indicated that there are not any other apartments in the immediate area; the apartments are separated by a hill, which is in the vicinity. She noted that every dwelling on the street is a single-family dwelling even though the zoning designation is R-2.

Discussion followed again regarding the remodel of the dwelling. Commissioner Hunt questioned if Mr. Evans was going to make the dwelling into a mother-in-law apartment or duplex and who would be doing the alterations to the home. Mr. Evans explained it would be him and a contractor; he said he would do things such as, sheetrock, framing and carpet, and he would contract out wiring, plumbing and the gas line.

Mrs. Ukena informed Mr. Evan that he would not be able to do any of the work himself because it would not be an owner-occupied building; the work would have to be completed by a state licensed contractor. She said if he lived in the dwelling, then he could do the work. Chair Farr added it is almost a commercial use, and he would be putting lives in his hands.

Commissioner Miller referred to S10-9C-3 Conditional Uses: (6<sup>th</sup> paragraph) - Single rental unit located within, underneath or above the primary single-family dwelling unit. Any conditionally permitted rental unit shall be incidental to the primary residential use and shall meet the following minimum standards:

Commissioner Miller indicated the way he interprets the ordinance, *any conditionally permitted rental unit shall be incidental to the primary residential use*, is the dwelling has to be owner occupied.

**Motion:** Commission Hunt moved to deny the conditional use permit for a mother-in-law apartment located at 5143 South 1225 West based on the following reasons: the Planning Commission's interpretation of §10-9C-3, the home will not be owner occupied; the existing, surrounding homes in the neighborhood are single-family dwellings; and the lack of a secondary entrance into the dwelling. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

### **Consideration to consolidate parcels located at 985 West Riverdale Road**

Cort Walker, RTTTA, was present at the meeting to discuss the consolidation of the parcels located at 985 West Riverdale Road. Mr. Walker explained the proposed consolidated parcel consists of five parcels and needed to be consolidated into one. He presented the Commission with a plat of the consolidated parcel.

Commissioner Farr indicated that Mrs. Ukena mentioned there were some issues that needed to be clarified with the Plat. Mrs. Ukena explained it appears to her the items have been taken care of.

Prior to the Regular meeting, during the preplanning meeting, Mrs. Ukena explained to the Commission that the five parcels need to be combined into one parcel for the petitioner to receive final approval of their overall site plan. In addition, Mrs. Ukena pointed out there were a few minor errors with the first Plat, which was presented to the City that the City Engineer said would need to be corrected prior to the Engineer signing off on the Plat. The issues are as follows:

1. Provide a narrative on the Subdivision Plat.
2. Correct the few minor errors on the subdivision plat as noted on the drawing.
  - a. Foot & minute indication in Boundary Description.
  - b. Bearing calls in the Boundary Description do not match the bearing calls on the drawing.
  - c. Provide a legend to indicate Public Utility Easements.
3. The right-of-way width of Riverdale Road needs to be shown on the plat.
4. Under the Owners Dedication, it is stated that the Owner is dedicating streets and open spaces, but it appears on the plat that there are not any streets and open spaces being dedicated.
5. The name of the Owner signing the plat will need his printed name under the signature block of the Owners Dedication Plan
6. The conditions of Section corner Monuments need to be indicated and whether or not the Monument corner was found.

Mrs. Ukena presented the Commission with a new plat showing that all corrections, to her knowledge, have been corrected. Mrs. Ukena's recommendation to the Planning Commission was to approve the consolidation of parcels subject to the City's Engineer approval and signature on the Plat.

**Motion** Commissioner Eskelsen moved to recommend to the City Council the consolidation of parcels located at 985 West Riverdale Road pending the Engineer's approval and signature. Commissioner Miller seconded.

**Conceptual Discussion regarding residential development for the Peacock Ridge located at approximately 5633 South 1200 West and Notice to Set a Public Hearing for a PRUD -**

Mr. Kent Hill withdrew the item from the agenda; no action was taken.

**Revisit General Plan to add Unity Property for Public Hearing and Set Public Hearing to consider amendments to Riverdale City's General Plan.**

Mrs. Ukena reminded the Planning Commission that they previously set a public hearing in August 2005 to amend the General Plan; however, they did not have the public hearing. She explained that all of the requirements for amending the City's General Plan according to State Code have been fulfilled and now they are ready to move forward.

Mrs. Ukena went on to say with the possibility of the rezone of the Unity property, Staff recommends amending the General Plan so the Unity property coincides with the General Plan. In addition, when the City completed two boundary adjustments with Ogden City, the City never added the property to the north to the General Plan; Staff would also recommend addressing that property as well.

Councilor Nancy Brough addressed the Planning Commission. She stated that in the past there has been more of a process to amending the City's General Plan, things such as, town meeting and committees. She questioned why the Planning Commission was not conducting these meetings/committees and what the process was. Mrs. Ukena pointed out that the City Council has already spent a great deal of time determining the demarcation line in the area of 4400 South.

Mrs. Ukena went on to explain the Planning Commission was following state law; tonight the Planning Commission was only setting a public hearing. Pursuant to State Code, Staff mailed out information to all the local and state entities and the Planning Commission would conduct a public hearing at which time there would be public involvement, and the Planning Commission would or would not make these recommendations to the City Council. Following a recommendation to the City Council, the City Council would make a final decision.

**Motion** Commissioner Hunt moved to recommend to add the Unity property to the General Plan and recommend to set a public hearing on January 10, 2006, to consider amendments to Riverdale City's General Plan. Commissioner Miller seconded the motion. The motion passed unanimously.

**Motion** Commissioner Miller moved to recommend to add to the public hearing on January 10, 2006, the boundary adjustment properties located at approximately 3300 South Parker Drive and the surrounding properties. Commissioner Eskelsen seconded the motion. The motion passed unanimously.

**Notice to Set a Public Hearing to adopt the new FEMA Flood Insurance Rate Maps (FIRM)**

Mrs. Ukena presented the Planning Commission with the City's old and new FEMA Flood Insurance Rate Maps. She explained the old map consists of one map and the new maps consist of five maps. Mrs. Ukena indicated as far as changing any of the City's floodplain, it did not change anything; the map is basically the same. Mrs. Ukena informed the Planning Commission that the City has to adopt the new maps per federal law so the City can keep its flood insurance.

**Motion** Commissioner Miller moved to recommend to set a public hearing on January 10, 2006, to consider the new Riverdale City FEMA Flood Insurance Rate Maps (FIRM). Commissioner Hunt seconded the motion. The motion passed unanimously

**2006 Annual Planning Commission Meeting Schedule**

The Planning Commission was presented with a proposed 2006 annual schedule. With the exception of the December 26, 2006, meeting, the Planning Commission agreed to adopt the meeting schedule as proposed.

**Motion** Commissioner Eskelsen moved to adopt the 2006 Annual Planning Commission meeting schedule as proposed with the exception of December 26, 2006. Commissioner Miller seconded the motion. The motion passed unanimously.

With no further business to come before the Commission at this time, Commissioner Hunt moved to adjourn the meeting. Commissioner Miller seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 7:15 p.m.

Attest:

Approved:

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Michelle Douglas  
Planning Commission Secretary

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Don Farr  
Chair