



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **September 24, 2013 at 6:32 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman  
Blair Jones, Vice-Chairman  
Steve Hilton, Commissioner  
Michael Roubinet, Commissioner  
Kathy Eskelsen, Commissioner

Members Excused: David Gailey, Commissioner  
Lori Fleming, Commissioner

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and two members of the public Harmon Jensen and Lute Morfin.

**A. Welcome & Roll Call**

Chairman Ellis welcomed everyone to the meeting and stated for the record all members of the Planning Commission are present except for Commissioners Gailey and Fleming who are excused.

**B. Open Communications**

Chairman Ellis invited any members of the public present to speak during the open communications portion of the meeting and there were no comments.

**C. Presentations and Reports**

**Community Development Projects Status Report**

Community Development Director Michael Eggett said Batteries + Bulbs will open this week, Firehouse Subs will open soon and several Halloween seasonal stores listed on the report are currently open for business during the holiday season.

**D. Consent Items**

Chairman Ellis asked for any changes or corrections to the previous meeting minutes and none were noted.

**Motion:** Commissioner Eskelsen moved to approve the meeting minutes with the one correction noted during the work session. Commissioner Roubinet seconded the motion.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

**E. Action Items**

1. a. **Public hearing to receive and consider public comment on a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive**

**b. Consideration of a proposed Rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive**

Chairman Ellis said the public hearing to receive public comment on a proposed rezone request from A-1 to R-1-10 for a residence located at 5759 South Weber Drive is now open and he invited anyone with comments to address the Planning Commission. Riverdale resident Lute Morfin said he is the petitioner Harmon Jensen's neighbor and he is opposed to having this property rezoned because he does not want to see a second home built on the property. Mr. Morfin said he purchased his property planning to retire in Riverdale and he would be opposed to rezone requests that will allow additional structures to be built on land that currently sits undeveloped. He asked the Planning Commission to consider the impact of Mr. Jensen's request on the neighbors and to deny the petitioner's rezone request.

There were no additional comments or questions.

**Motion:** Commissioner Jones moved to close the public hearing. Commissioner Hilton seconded the motion.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

Mr. Eggett said Mr. Jensen is requesting this rezone to allow him to build a new home on his property because his existing home was built during the early 1900's and is in need of remodeling or demolition and no longer meets his family's needs. Mr. Jensen said the property's current zoning is less than the 40,000 sq ft Riverdale City requires and that is why he is requesting the rezone to allow him to improve his land. Mr. Jensen said he went to all of his neighbors including Mr. Morfin to explain what he is planning to do before tonight's meeting because if his request is granted it could allow his neighbors who may want to remodel or improve their properties in the future the same leniency. He said he was not aware that Mr. Morfin had concerns until tonight's public hearing, but he respects his neighbor's objections.

Mr. Jensen said at Mr. Eggett's request he contacted Hill Air Force Base (HAFB) and received a response back from a community planner who verified that his lot is not located in HAFB's flight zone where the construction of new residential buildings is restricted. He said he also spoke to HAFB about ground water contamination and was sent a letter which he submitted for the record stating that his property is between two plumes and there is no ground water contamination at his address. Mr. Jensen said he met with an official from the Utah Department of Transportation (UDOT) District Region 1 who informed him that a new egress won't be permitted within 500 feet of the existing driveway and if a second home is built on this property, the two homes will need to share one driveway unless a UDOT variance is granted. According to Mr. Jensen, a UDOT variance will take 45 days to process and an engineer would need to inspect his property. Mr. Jensen distributed images to the Planning Commission of his present home and his proposal to build a second home on the property and asked for any questions. Commissioner Hilton asked if an existing detached structure that appears to be a garage will be demolished so that there is room to build the new proposed home and Mr. Jensen said he is not sure if he will build a second home or just do extensive remodeling of his existing home. Commissioner Hilton said he believes Mr. Morfin has a reasonable concern and he asked Mr. Jensen if he had considered improving his current residence where it stands to minimize the

impact on the adjacent neighbors and Mr. Jensen said he will need to carefully consider his neighbor's concerns before he decides to build a new home closer to the Morfin home as he would like to maintain an amiable relationship with his neighbor. Commissioner Hilton asked what Mr. Jensen's intent is with this rezone request and Mr. Jensen said he has family that lives with him in his current home and he is engaged to be married and would like to build a new home for him and his new wife to move into allowing his family to continue occupying the existing home while paying him rent. He said financing will ultimately determine whether he remodels his existing home or builds a new one, but the existing home is so old it will likely eventually need to be demolished. According to Mr. Jensen, there is a UDOT imposed two year moratorium in the roadway on new utility connections and so even if he builds a new home he will need the existing home to remain for two years so that he can hook onto the existing utilities.

Commissioner Jones said he understands the desire to build a new home and he said the property is Mr. Jensen's and he has a right to improve his property despite his neighbor's objections because it isn't realistic that neighborhoods will never change. Mr. Jensen related an anecdote to the Planning Commission and said his intent is not to upset his next door neighbor and he said Mr. Morfin's concerns will be taken into consideration before he determines whether or not to build a new home on his property. Mr. Eggett said the property owners on either side of Mr. Jensen would also need to request their properties be rezoned if they want to remodel their homes or add any new construction as all the lots do not have sufficient square footage to qualify for building permit.

Commissioner Roubinet asked Mr. Jensen what reactions he has received from his other neighbors and Mr. Jensen said he spoke to five neighbors and only one came to tonight's public meeting. Chairman Ellis asked Mr. Eggett if he had received any public comment in support of or opposition to this proposed rezone prior to tonight's meeting and Mr. Eggett said he had not received any written commentary but had received several calls with half of them in support and half opposed to Mr. Jensen rezoning his property. Mr. Jensen said one of his neighbors across the street is upset because she had not been able to build a second home on her land and Mr. Eggett said that is because her property is located in HAFB's protection landing zone where all residences are prohibited even if the petitioner has sufficient property. Chairman Ellis said the rezone request is the only issue the Planning Commission is considering tonight and he said if Mr. Jensen decides to build a second home he will need to request a subdivision change and at that time the Planning Commission can review his plan and ensure that any new structure has proper setbacks from any neighboring structures. Mr. Eggett clarified that a subdivision request will be subject to Planning Commission recommendation and City Council approval but if Mr. Jensen decides to just remodel his existing home or build a new home as a replacement, staff will handle the building permit request without bringing it back before the Planning Commission. Mr. Jensen asked if engineering work will be necessary before a subdivision request can be considered and Mr. Eggett said it will and Commissioner Hilton asked Mr. Jensen if his intent is to subdivide and Mr. Jensen said at this time he is not sure as there are a lot of factors to consider. Chairman Ellis asked for any additional discussion on the proposed rezone request and there were no additional comments.

**Motion:** Commissioner Hilton moved to forward the petitioner's rezone request with a favorable recommendation to the City Council. Commissioner Eskelsen seconded the motion.

There was no discussion on the motion.

**Call the Question:** The motion passed unanimously.

**F. Discretionary Items**

Chairman Ellis asked for any discretionary items and Commissioner Hilton said some of his neighbors have complained to him about Riverside Storage's electronic sign not dimming after dark again and he recommended that it be shut off after dark until the sign has been repaired. Mr. Eggett said the company Yesco that maintains the sign and the current owners of Riverside Storage have been working through some issues and he said he will follow up on this complaint and see that the neighbor's concerns are addressed in a timely manner. There were no additional comments.

**Motion:** There being no further business to come before the Planning Commission, Commissioner Roubinet moved to adjourn the meeting. Commissioner Eskelsen seconded the motion. The motion passed unanimously. The meeting adjourned at 7:02 p.m.

Approved: October 8, 2013

Attest:

---

Brent Ellis, Chairman

---

Ember Herrick, City Recorder