



**RIVERDALE CITY PLANNING COMMISSION AGENDA  
CIVIC CENTER - 4600 S. WEBER RIVER DR.  
TUESDAY – OCTOBER 28, 2014**

**6:00 p.m. – Work Session (City Council Conference Room)**

The purpose of the work session is to review maps, plans, paperwork, etc. No motions or decisions will be considered during this session, which is open to the public.

**Planning Commission Work Session Items**

- **Planning Commission discussion on *Conditional Uses and Due Process***

*Presenter: Michael Eggett, Community Development Director*

**6:30 p.m. – Planning Commission Meeting (Council Chambers)**

**A. Welcome & Roll Call**

**B. Open Communications**

(This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please try to limit your comments to three minutes.)

**C. Presentations and Reports**

Community Development Report

**D. Consent Items**

1. Consideration of meeting minutes from:  
October 14, 2014 Work Session  
October 14, 2014 Planning Commission

**E. Action Items**

1. Consideration of recommendation to City Council for Conditional Use Permit application for electronic sign located at approximately 5152 S. 1500 W.

*Petitioner: Golden Spike Harley-Davidson Representative*

**F. Discretionary Items**

**G. Adjournment**

- The public is invited to attend all Planning Commission meetings.
- In compliance with the Americans with Disabilities Act, persons in need of special accommodation should contact the City Recorder at 394-5541 x 1232.
- This agenda has been properly posted and a copy provided to local news media.

**RIVERDALE CITY  
PLANNING COMMISSION AGENDA  
October 28, 2014**

**AGENDA ITEM: Work Session Items**

**SUBJECT:** Planning Commission training article: *Conditional Uses and Due Process*

**PETITIONER:** Per Community Development Director desire this item will be placed on the agenda as a permanent and regular item.

**ACTION REQUESTED BY PETITIONER:** Training document review

**INFORMATION:** *Conditional Uses and Due Process*

**[BACK TO AGENDA](#)**

# URMMA

## TRAINING TIPS FOR ELECTED AND APPOINTED OFFICIALS

Topic:                    **CONDITIONAL USES**

This topic is appropriate for:

- ✓ CITY COUNCIL
- ✓ PLANNING COMMISSION
- ✓ BOARD OF ADJUSTMENT

Topic/Issue:           **CAN A GOVERNING BODY DENY A  
CONDITIONAL USE?**

Example:    A big box commercial development has made application in a commercial zone in which it is listed as a conditional use. The community outcry regarding this application is relentless. Five of the seven planning commission members are from the rural areas of the city and believe that the city should remain rural. One of the commissioners owns a small grocery in town. The Commercial zone where the application is located is in the middle of a manufacturing area and is bordered by storage units on one side, manufacturing on one side and single family homes on one side. The commissioners expressed concern about noise, vacancy, and traffic. The applicant has provided the commission with a noise study and comprehensive plan, has agreed to sign an agreement stating that if the building is vacated it will be leased or demolished within one year and that they will install a traffic light and other improvements as called out by the traffic study. Can the planning commission deny the application?

### **WHAT CAN GO WRONG / WHAT CAN GO RIGHT?**

Conditional uses are permitted uses that are allowed in a zone with specific reasonable conditions that rectify the impacts created by the use. This rule is found in case law and was codified by the state legislature during the 2005 legislative session. A conditional use cannot be denied unless the impacts are so great that there are no reasonable conditions that will rectify them. If a community does not want a specific use in a zone, the answer is to zone it out by ordinance. This does result in substantial effort being made on the front end of an ordinance. However, it will reduce the number of difficult hearings and protect communities from conditional use litigation. It is rare that a conditional use can legally be denied.

Nicole Cottle  
West Valley City  
Deputy City Attorney

# URMMA

## TRAINING TIPS FOR ELECTED AND APPOINTED OFFICIALS

Topic: DUE PROCESS

This topic is appropriate for:

- ✓ CITY COUNCIL
- ✓ PLANNING COMMISSION
- ✓ BOARD OF ADJUSTMENT

Topic/Issue: HOW TO SOLIDIFY DECISIONS MADE  
BY VARIOUS CITY BODIES

Example:

A city body making a decision should be able to make that decision knowing that it could be upheld and that procedural problems will not change an outcome. Too often a city will make a decision but because of a procedural error that decision is overturned or a judge makes a different decision on behalf of the community. Due process protections can help to bullet proof local decisions and keep those decisions with the appropriate decision makers.

An example of this would be a situation where a notice was not published correctly, or in an administrative decision, the decision maker had discussions prior to a hearing or had information not available to the entire body. Another example would be where an applicant was not given an opportunity to fully present information.

### **WHAT CAN GO WRONG/WHAT CAN GO RIGHT?**

It is the responsibility of the city and the various decision making bodies to be sure that the due process of all interested parties is protected. This includes not only the applicant on a various issue but also those in favor and opposed to an issue. **The fundamentals of due process are notice and an opportunity to be heard.** So long as notice was appropriately given following both state and local law and practice, and any person who so desires is given a chance to be heard, it becomes difficult to create a due process violation.

An artful chairperson can help to facilitate due process protections by conducting an orderly meeting, providing an opportunity to be heard and checking that notice was appropriately given.

Nicole Cottle  
West Valley City  
Deputy City Attorney

# URMMA

## TRAINING TIPS FOR ELECTED & APPOINTED OFFICIALS

### TOPIC: **Due Process & Findings II**

#### **THIS TOPIC IS APPROPRIATE FOR:**

- ✓ City Council Members
- ✓ Planning Commission Members
- ✓ Board of Adjustment Members

### ***Procedural and Substantive Due Process***

The 14th Amendment of the U. S. Constitution prohibits any government action that “deprives any person of...liberty or property, without due process of law.” The requirement of “due process” involves both procedural and substantive requirements. Generally, procedural due process involves how decisions are made (notices, a hearing, impartiality). Substantive due process involves more the quality of the decision.

**Procedural due process.** Procedural due process requires notice of possible action to persons affected and a hearing before an impartial tribunal.

- **Notice**
  - Affected persons, e.g., petitioner/appellant, surrounding property owners
  - Description of action to be considered
  - Must follow Notice Policy
  
- **Hearing**
  - Procedurally fair
    - Opportunity to be heard
    - Right to question/cross examine
    - Open process/disclosure
    - Following adopted rules and
    - Record of proceedings/ability to reconstruct what went on

- Impartial
  - Free of bias, free of conflicts of interest
  - Financial
  - Family

- **Don't express opinion prior to the hearing**
- **No ex parte conversations**
- **Don't show favoritism**

**Substantive due process.** Substantive due process requires that there be a legal basis for the decision, i.e., based on evidence presented and on applicable law. In other words, (1) that there be a logical, reasonable connection between that evidence and the decision, and (2) that there be a connection between the decision and the ordinances governing the particular decision making process.

This "rational nexus" test is in many ways simply a common sense test. Does the decision make sense, given the information presented to the planning commission? Given the authority of the planning commission, are the decision requirements reflected in ordinances governing the particular development approval? Is there a relationship between conditions imposed and the problems that they were designed to solve?

- Evidence: "Decision must be based on substantial evidence on the record"
- Findings: Reasons for the decision (the evidence that supports the decisions)
- Evidence/findings must relate to overall decision as well as conditions imposed.
- Public Clamor

*Davis County v. Clearfield City, 756 P. 2nd 704 (Utah Ct. App., 1988).* Citizens opposition is insufficient basis for denial – lack of any credible evidence in support of articulated reasons.

*Overall, is it fair? Does it have the appearance of fairness?*

### ***Findings of Fact***

It is important that the entire record (minutes, transcripts, staff reports, ordinances) reflect the reasons for the decision. The motion to approve or disapprove should refer to the evidence that was most important to the planning commission in making a decision or in imposing a condition or requirement as part of an approval. The motion should also make the connections between the

evidence, the decision or conditions, and if applicable, any ordinances governing the decision. These statements are commonly referred to as “findings.” They can also be referred to as “written reasons” or “justifications.”

An example of a finding might involve the imposition of a condition requiring a developer to provide a right-hand turn lane into the development. A supporting finding might simply indicate that the ordinance requires the planning commission to determine the adequacy of infrastructure serving the development and the evidence shows that the adjacent street is inadequate to meet the demands of the development, based on the traffic that will be generated by the development.

The failure to make findings will not necessarily invalidate a particular land use decision, otherwise supported by the record, but it could be critical in some areas. For instance, it is very important in making development decisions that they are governed by specific ordinance standards, such as subdivisions, permit, or site plans. In these areas, a planning commission is usually required to approve applications that meet ordinance requirements or standards, or to deny applications not in compliance (or impose conditions that provide compliance). It could also be critical in land use decisions affecting certain constitutional rights, such as First Amendment interest.

Overall, it is advisable to make findings in all instances. It is a skill that requires practice. Findings can be suggested by planning staff in making specific recommendations. However, if a planning commission is imposing conditions, not addressed or recommended in the staff report, the planning commission must provide its own findings. Findings might also be prepared by planning staff or legal counsel between meetings and adopted at a later meeting. It should be noted, however, that spontaneous motion after a hearing or discussion are often better indicators of a fair decision based on the record.

Obviously, findings provide the legal basis for a decision and can be very valuable, if a decision is contested. A planning commission should not forget, however, that findings can also influence the county commission or city council in the decision making process, and provide the basis for community, neighborhood, or developer support of its land use decisions.

### **Typical Mistakes Planning Commission and City Councils Make**

- They don't have or ignore their General Plan.
- They bend or ignore the law rather than change it (particularly in the midst of controversy).
- They feel their zoning ordinances are cast in stone and cannot be changed.
- They have a lot of discussion and then make a motion without findings - later everyone remembers the discussion, but not what exactly the motion covered.
- They ask the public at the meeting whether they are for or against the proposal.

- They ignore their attorney
- They go beyond their powers in their decisions.
- They make stray comments which come back to bite them.
- Their decisions are based on emotion, and ignore procedural and substantive due process.

Pat Comarell  
Patricia Comarell Consulting

Training Tip #8

**RIVERDALE CITY  
PLANNING COMMISSION AGENDA  
October 28, 2014**

**AGENDA ITEM: B**

**SUBJECT:** Open Communications

**PETITIONER:** Anyone Interested

**ACTION REQUESTED BY PETITIONER:** Open agenda item provided for any interested person to be able to speak about any topic.

**INFORMATION:** Per Governing Body desire, this item will be placed on the agenda as a permanent and regular item.

**[BACK TO AGENDA](#)**

**RIVERDALE CITY  
PLANNING COMMISSION AGENDA  
October 28, 2014**

**AGENDA ITEM: C1**

**SUBJECT:** Community Development Projects Status Report

**ACTION REQUESTED BY PETITIONER:** Information only.

**INFORMATION:** Opportunity for the Community Development Director to present any updates or information on follow-up issues to the Planning Commission.

[Community Development Report](#)

**[BACK TO AGENDA](#)**



## **COMMUNITY DEVELOPMENT PROJECTS STATUS REPORT**

**October 17, 2014**

### **OPEN FOR BUSINESS**



Massage Envy Spa



The Pelican Restaurant



Massage Envy Spa has opened at 4097 S. Riverdale Road. A ribbon cutting was held on October 3<sup>rd</sup>.



The Pelican Restaurant and Pub is open at 4029 S. Riverdale Road in the former TGI Friday's building. A ribbon cutting was held on October 19<sup>th</sup>.

### **NEW & ONGOING DEVELOPMENTS**

#### **Riverdale Business Park**

Construction is nearing completion on a commercial retail building in the Riverdale Business Park located at 5175 South 1500 West.



Ken Garff Honda located at 950 W. Riverdale Road, is doing an interior remodel of their dealership.



**RIVERDALE CITY  
PLANNING COMMISSION AGENDA  
October 28, 2014**

**AGENDA ITEM: D**

**SUBJECT:** Consideration of meeting minutes from:  
October 14, 2014 Work Session  
October 14, 2014 Planning Commission

**PETITIONER:** City Recorder

**ACTION REQUESTED BY PETITIONER:** Approve minutes

**INFORMATION:** See attached minutes as follows:

[October 14, 2014 Work Session](#)

[October 14, 2014 Planning Commission](#)

**[BACK TO AGENDA](#)**



---

Minutes of the **Work Session** of the **Riverdale City Planning Commission** held Tuesday, **October 14, 2014** at 6:03 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Blair Jones, Chairman  
Michael Roubinet, Commissioner  
Cody Hansen, Commissioner  
David Gailey, Commissioner  
Lori Fleming, Commissioner  
Steve Hilton, Commissioner

Members Excused: Kathy Eskelsen, Commissioner

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and no members of the public.

Chairman Jones welcomed the Planning Commission members to the work session stating for the record that all were in attendance except for Commissioner Eskelsen who is excused. Community Development Director Michael Eggett said Riverdale City has finalized the purchase of 17.7 acres of property on River Park Drive, including a road intended to facilitate connectivity with another piece of property the city owns across the Weber River. Commissioner Hilton asked if the road is located to the east of the 17.7 acres and Mr. Eggett confirmed that is the location.

Mr. Eggett said the only updates to the Community Development Report are the recent openings of Massage Envy and Pelican Café. He said new developments will be forthcoming and proposals previously approved through a development agreement won't require Planning Commission consideration. According to Mr. Eggett, developers have expressed interest to him in four of Riverdale's five RDA project areas, with the exception of the 550 West Project Area.

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

Chairman Jones said the only action item on tonight's agenda is final consideration of a proposal to build a preschool called Bravo Arts Academy at address 5165 S. 1500 W. Mr. Eggett said this application was submitted by Mike Ford and all updated reports were included in the packet, including an amended site plan. He said Lot 1 will require a lot line adjustment which will be done through Weber County and verified by staff prior to any preconstruction meetings. Mr. Eggett said a preschool is a permitted use in this C-3 Zone and if the Planning Commission forwards a favorable recommendation it will be considered by the City Council at their October 21, 2014 meeting. Commissioner

Hansen asked what materials will be used on this building and Mr. Eggett said Mr. Ford has promised to provide a color scheme during tonight's public meeting. Mr. Eggett said Mr. Ford will be responsible for keeping the weeds mowed on the adjacent Lot 4, which will not be developed at the same time as Lot 1. He said the Planning Commission should question Mr. Ford about the outstanding issues associated with this request including signage, lighting, building materials and an ADA compliant ramp. Commissioner Roubinet asked about sewer capacity and Mr. Eggett said preliminary sewer capacity studies conducted by Riverdale's Public Works Department look positive. Commissioner Roubinet asked how this is measured and Mr. Eggett said the building inspector and contractor will estimate waste water disposal. Mr. Eggett said Mr. Ford has demonstrated how a dish washing feature in their Clearfield building reuses water and has agreed to put in low flow toilets. Mr. Eggett said he is confident that Mr. Ford is committed to installing water wise appliances to minimize the impact of this new development on Riverdale's sewer capacity. Commissioner Hilton asked where a spillway listed on the plan will empty and Mr. Eggett said into the designated detention basin.

Mr. Eggett said Riverdale City's Engineer Scott Nelson identified that the sidewalk in front of the proposed development is not located within the city's right of way. He said although there is no code requirement, he has advised Mr. Ford that legal ownership be clarified so responsibility for the sidewalk's maintenance and liability are clear. Mr. Eggett said there are no significant staff concerns that would keep the Planning Commission from approving this request tonight and Chairman Jones said approval could be contingent on the outstanding issues identified by staff being resolved. Chairman Jones asked for any additional questions or comments and none were noted.

Chairman Jones asked for any discretionary items and Commissioner Hilton said the electronic Riverside Storage sign is malfunctioning again and appears to be broken and isn't dimming properly at night and Mr. Eggett said he will contact the business owner. Commissioner Hansen asked if Mr. Eggett had followed up about additional UTA bus shelters and Mr. Eggett said he communicated Commissioner Hansen's concern to Mayor Norm Searle and City Administrator Rodger Worthen that are planning to meet with a UTA representative soon. Commissioner Hansen asked if the RDA has acquired any more properties in the 550 West Project Area and Mr. Eggett said he and Mr. Worthen did meet with one homeowner who frequently works out of state but they haven't heard back from the individual in a while due to his work schedule. Mr. Eggett said a new developer has expressed interest in the West Bench Project Area and he will give the Planning Commission more information as soon as he is authorized by the developer to make the information public. Commissioner Hilton asked for an update about the Eames duplex sewer line disagreement where the developer wanted to save money by tying into the PRUD line but city ordinance required him to tie into the city's line by cutting into 4400 South. Mr. Eggett said this property owner has contacted several city officials to express his dissatisfaction with the city's legal determination but the work has now been completed and the road patched so hopefully the debate is over.

There being no further business, the Planning Commission adjourned at 6:22 p.m.

Approved: October 28, 2014

Attest:

---

Blair Jones, Chairman

---

Ember Herrick, City Recorder

DRAFT



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **October 14, 2014 at 6:33 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Blair Jones, Chairman  
David Gailey, Commissioner  
Michael Roubinet, Commissioner  
Cody Hansen Commissioner  
Lori Fleming, Commissioner  
Steve Hilton, Commissioner

Member Excused: Kathy Eskelsen, Commissioner

Others Present: Michael Eggett, Community Development Director; Ember Herrick, City Recorder and one member of the public Mike Ford.

**A. Welcome & Roll Call**

Chairman Jones welcomed everyone to the meeting and stated for the record all members of the Planning Commission are present except for Commissioner Eskelsen who is excused.

**B. Open Communications**

Chairman Jones said there are no members of the public present to speak during the open communications portion of the meeting.

**C. Presentations and Reports**

Community Development Director Michael Eggett said the only updates to the Community Development Report are the grand openings of Massage Envy and the Pelican Café. He said the Riverdale Road construction project is one week behind schedule due to a rain delay and should be complete by November 8, 2014 with a project unveiling scheduled prior to Thanksgiving.

**D. Consent Items**

- 1. Consideration of meeting minutes from:  
September 23, 2014 Work Session  
September 23, 2014 Planning Commission**

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

**Motion:** Commissioner Hilton moved to approve the consent items. Commissioner Gailey seconded the motion.

There was no discussion on the motion.

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

## **E. Action Items**

### **1. Final review of Bravo Arts Academy site plan proposal**

Chairman Jones said the only action item on tonight's agenda is a final site plan review of a proposal by Bravo Arts Academy at address 5165 S. 1500 W. Mr. Eggett said developer Mike Ford is the petitioner and this preschool use is permitted in the C-3 Zone. He said a lot line adjustment to expand Lot 1 by shrinking Lot 4 will be done through Weber County. Mr. Eggett said the outstanding issues associated with this request are that signage and lighting requirements for the development and a list of building materials in aesthetic harmony with the existing businesses in the area. He said early sewer capacity studies look favorable and staff has no concerns that would prevent the Planning Commission from forwarding a favorable recommendation to the City Council for their consideration of this site plan request at their meeting on October 21, 2014.

Mr. Ford showed his Bravo Arts Academy promotional video again. He said the development materials will be brick, stucco, and wainscot paneling and Commissioner Roubinet asked if the colors are similar to the Clearfield building and Mr. Ford said in Clearfield the brick is red but the proposed color scheme for the Riverdale building will be browns and more neutral colors. Commissioner Fleming asked about the color of the metal roof and Mr. Ford said it will also be brown. Mr. Ford explained the proposed signage along the façade of the building which he said would be white LED lettering and he said a monument sign is also proposed but not at this time. Mr. Ford said the lot line adjustment will be done through Weber County if the Council approves the proposed final site plan and he circulated a diagram of the proposed street lighting for the development to the Planning Commissioners. Commissioner Fleming asked how the development's exterior lighting could impact Cherry Creek Apartments and Mr. Eggett said the parking lot lights will have screens that aim the light away from the adjacent residential communities. Commission Hilton asked about sewage capacity concerns and Mr. Ford said the outflow for the Bravo Arts Academy in Clearfield is 1.8 gallons per flush and in Riverdale the proposal is to use toilets that use 1.2 gallons per flush, a water savings of 30 percent. Mr. Ford said a feature will be installed in the classrooms with young children so that teachers can prevent water wastage and he provided a copy of a cost estimate for an ADA ramp. Chairman Jones asked for any additional questions or concerns and none were noted.

**Motion:** Commissioner Hilton moved to forward a favorable recommendation to the Council for final site plan approval for the Bravo Arts Academy.  
Commissioner Fleming seconded the motion.

There was no discussion on the motion.

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

## **F. Discretionary Items**

Chairman Jones asked for any discretionary items and none were noted.

## **G. Adjournment**

**Motion:** There being no further business to come before the Planning Commission, Commissioner Fleming moved to adjourn the meeting. Commissioner Roubinet seconded the motion. The motion passed unanimously. The meeting adjourned at 6:53 p.m.

Approved: October 28, 2014

Attest:

---

Blair Jones, Chairman

---

Ember Herrick, City Recorder

DRAFT

**RIVERDALE CITY  
PLANNING COMMISSION AGENDA  
October 28, 2014**

**AGENDA ITEM: E1**

**SUBJECT:** Consideration of recommendation to City Council for Conditional Use Permit application for electronic sign located at approximately 5152 S. 1500 W.

**PETITIONER:** Golden Spike Harley-Davidson Representative

**INFORMATION:** [Executive Summary](#)

[Conditional Use Application](#)

[Sign Detail Conditional Use](#)

**[BACK TO AGENDA](#)**



# Planning Commission Executive Summary

For the Commission meeting on: 10-28-2014

Petitioner: Northern Utah Power Sports dba Golden Spike Harley-Davidson,  
Represented by Randy S. Olson - YESCO Signs

### Summary of Proposed Action

Northern Utah Power Sports has filed for a conditional use permit to install electronic signage on an on-premises pole sign at their new Golden Spike Harley-Davidson relocation site at 5152 South 1500 West (old Comcast building) within City limits, as required by 10-16-10(B.) of the Riverdale City Code. Golden Spike Harley-Davidson is relocating to an existing commercial use building located within a CP-3 zone and, per City Code, is permitted to have signs on their property at a ratio of three (3) square feet for each one (1) linear foot of occupied frontage and subject to a conditional use review for any proposed electronic sign. **Following the presentation and discussion of the proposal, the Planning Commission may make a motion to approve, approve with amendments, or not approve the Conditional Use permit for this requested sign.**

### Title 10 Ordinance Guidelines (Code Reference)

This Conditional Use Permit request is regulated under City Code 10-16 "Sign Regulations" and 10-19 "Conditional Uses".

Community Development staff have been in conversation with Northern Utah Power Sports (Golden Spike Harley-Davidson) owner Joe Timmons and YESCO representative Randy Olson regarding this electronic sign proposal. Mr. Timmons is having all signs relocated from his old location along 900 West to this new location which would include the movement of his already existing electronic signage at the old location. There is currently electronic signage that has been operating on an on-premises pole sign at the old location. Currently, there are no electronic sign products at the 5152 South 1500 West site and this would be a slight change to this location of the City. Randy Olson will be representing Mr. Timmons for the purposes of this conditional use request. There are also provided supplementary documents regarding this application, the location, and the description of the proposed electronic signage. A sign permit for the relocation of all signs has also been submitted to the City and been approved by City staff for relocation to this new building.

All electronic sign requests within the City are subject to City Code 10-16-10, which states:

#### 10-16-10: ELECTRONIC SIGNS:

A. Definitions:

DIGITAL DISPLAY ON PREMISES: An on premises sign face that may display changing content that is allowed to be fully animated and is composed of electronically illuminated segments and/or a series of grid lights, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic, video boards, or other electronic media or technology. A sign is considered to be "on premises" if the sign is on the location of the business which is advertised or promoted on the sign.

**ELECTRONIC SIGN:** For the purpose of this section shall mean a digital display on premises sign.

**FOOT-CANDLE:** A unit of light measurement equal to one lumen per square foot and may be abbreviated "fc".

**B. Zones Where Allowed:** Digital display on premises signs are a conditional use in all zones that allow advertising or informational signs provided that such signs comply with all requirements of this chapter. Electronic signs that advertise or promote businesses, products, activities, services, or events not located on the premises where the electronic sign is located are prohibited except the use of any on premises sign for the advertising of "not for profit", "fundraising" events or philanthropic endeavors that do not give attention to businesses that are not located in Riverdale City.

**C. Number Of Signs Allowed:** Only one on premises electronic sign may be located on a lot but a lot may have an electronic sign and a non-electronic sign that are combined in one cabinet at one location (on a pole, monument, or building) provided that the total square footage of all signage on a lot complies with all aspects of this chapter.

**D. Brightness:** An on premises electronic sign shall not be excessively intense or brilliant. An electronic sign shall not display light of such intensity or brilliance as to cause glare or otherwise impair the vision of the driver of a motor vehicle on a public roadway or result in a nuisance to the driver of a motor vehicle on a public roadway. Any on premises electronic sign that exceeds the intensity levels in subsection D1 of this section shall constitute an excessively intense or brilliant sign and such sign is prohibited.

1. All digital displays shall be illuminated at a level no greater than 0.3 foot-candle over ambient light levels and shall employ light cutoff devices such as, but not limited to, louvers, in order to minimize light escaping above the horizontal plane. Foot-candle readings shall be measured at ground level at a distance shown in the intensity table.

**INTENSITY TABLE**

Sign Size (Square Feet)	Distance From Source
0 - 100	100 feet
101 - 300	150 feet

2. Notwithstanding the requirements of subsection D1 of this section, under no circumstances shall the light emanation from a digital display on premises sign be greater than 0.3 foot-candle as measured from the nearest residential property line.

3. All digital display on premises signs must be equipped with both a dimmer control and a photocell which automatically adjusts the display intensity according to natural ambient light conditions.

**E. Residential Areas:** Residential areas shall not be adversely impacted by any electronic sign or any other type of sign.

**F. Sound:** The use of sound is prohibited.

**G. View Obstruction:** Signs may not be constructed so as to obstruct the view of drivers of motor vehicles on a public roadway or entering a public roadway.

- H. Public Property: Signs may not encroach on or project over public property or a public right of way.
- I. Portable Electronic Signs: Portable electronic signs are prohibited.
- J. Resemblance To Traffic Signal: No electronic sign may resemble or simulate any warning signal or any traffic lights or official traffic control signage.
- K. Sign Shutoff: The digital display shall contain a default mechanism to turn the sign off in case of malfunction or shall be manually turned off within twenty four (24) hours of a reported malfunction.
- L. Maximum Area: This type of on premises sign shall be restricted to a maximum area of three hundred (300) square feet. (Ord. 812, 8-21-2012)

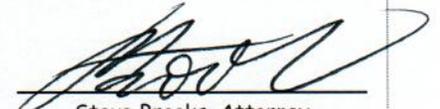
Departmental staff have reviewed the submission and discussed this application with YESCO sign staff and Mr. Timmons. Departmental staff have advised YESCO and Mr. Timmons to have a representative present to address any associated questions or comments brought up by the Planning Commission regarding these items.

Staff would encourage the Planning Commission to review this matter, including concerns noted herein, and then discuss these matters with the petitioner. Staff would then recommend that the Planning Commission act accordingly to make a motion of approval (which may include amendments) or non-approval of the Conditional Use Permit for the relocation of existing electronic signage to 5152 South 1500 West, as shown on the attached documentation.

**General Plan Guidance (Section Reference)**

**Legal Comments - City Attorney**

*We prob. should start working on a permanent elec. sign ordinance rather than using cond. uses -*



\_\_\_\_\_  
Steve Brooks, Attorney

**Administrative Comments - City Administrator**

\_\_\_\_\_  
Larry Hansen, City Administrator



# Riverdale City

Community Development  
4600 So. Weber River Drive  
Riverdale, Utah 84405

## CONDITIONAL USE PERMIT APPLICATION

DATE 10/18/2014  
 ADDRESS OF SITE 5152 South 1500 West Riverdale, UT  
 APPLICANT'S NAME Northern Utah Power Sports DBA Golden Spikes Harley-Davidson  
 ADDRESS 2928 South State Street Salt Lake City, UT 84115  
 PHONE NUMBER 801-394-4464

NOTE: Plans: Detailed location, site and building plans shall accompany the completed application forms provided by the city. For structures in existence, only a location plan need be provided.

SITE PLAN RECEIVED  BUILDING PLANS RECEIVED

Present Zoning of the Property: CP-3 Present Use of the Property: Retail/Commercial  
 Acreage of the Property: 3.52 acres Width of Property on the Street: Approx 500 ft.  
 Proposed Conditional Use of Property: Electronic Sign relocation from previous location

SIGNED: JCS J - owner DATE: 10 21-14

I authorize \_\_\_\_\_ to act as my representative in all matters relating to this application.

OWNER

AGENT AS AUTHORIZED BY OWNER

### PLANNING COMMISSION SCHEDULED TO HEAR THIS APPLICATION FOR CONDITIONAL USE ON:

DATE: \_\_\_\_\_ DECISION OF COMMISSION: \_\_\_\_\_

SIGNATURE OF CHAIRPERSON: \_\_\_\_\_ DATE: \_\_\_\_\_

### PLANNING COMMISSION PUBLIC HEARING:

DATE: \_\_\_\_\_ DECISION OF COMMISSION: \_\_\_\_\_

SIGNATURE OF CHAIRPERSON: \_\_\_\_\_ DATE: \_\_\_\_\_

Fee \$50.00 Date Paid: 10/21/2014 Receipt No. 15.404320

RIVERDALE CITY CORPORATION  
4600 SOUTH WEBER RIVER DRIVE  
RIVERDALE UT 84405

394-5541

Receipt No: 15.484320

Oct 21, 2014

NORTHERN UTAH POWER SPORTS

Previous Balance:	.00
MISCELLANEOUS - CONDITIONAL USE PERMIT	50.00
10-36-9000 SUNDRY REVENUE	

---

Total:	50.00
--------	-------

---

CASH	60.00
Total Applied:	50.00

---

Change Tendered:	10.00
------------------	-------

---

Duplicate Copy

10/21/2014 10:34AM





**RIVERDALE CITY  
PLANNING COMMISSION AGENDA  
October 28, 2014**

**AGENDA ITEM: F1**

**SUBJECT:** Discretionary Items

**PETITIONER:** Elected, Appointed, and Staff

**ACTION REQUESTED BY PETITIONER:** Open agenda item provided for comments or discussion on discretionary items.

**[BACK TO AGENDA](#)**