



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **May 24, 2011 at 6:32 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Braden Mitchell, Chairman
Brent Ellis, Commissioner
Bart Stevens, Commissioner
Steve Hilton, Commissioner

Members Excused Mike Hall, Commissioner
Blair Jones, Commissioner
Michael Staten, Commissioner

Others Present: Randy Daily, Community Development Director, Ember Herrick, City Recorder and 4 members of the public.

A. Welcome & Roll Call

Chairman Mitchell welcomed everyone to the meeting and stated for the record all members were present except Commissioners Hall, Jones and Staten who are excused.

B. Open Communications

No comments.

C. Presentations and Reports

Mr. Daily told the Commission there were no major changes to the Community Development Report in addition to the items discussed in the work session. There were no questions on the report from the Commission.

D. Consent Items

1. Approval of meeting minutes from:
April 26, 2011 Work Session
April 26, 2011 Planning Commission

Chairman Mitchell asked for any additional changes to the previous meeting minutes. There were none.

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

Call the Question:

The motion passed unanimously.

E. Action Items

1. a. Public hearing for rezone request for property located at 1481 West Riverdale Road and owned by Larry Miller group to change the existing CP-2, CP-3, A-1 and R-1-10 zone designations to a single CP-3 for the entire 10.931 acres for the approved use as an auto dealership.

Chairman Mitchell opened the public hearing. There were no comments from the public.

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

Call the Question:

The motion passed unanimously.

- b. Make a zoning recommendation to the Council.

Motion: Commissioner Hilton moved to approve the petitioner's request as outlined. Commissioner Ellis seconded the motion adding a friendly amendment that a CP-3 designation be stipulated in the motion. Commissioner Hilton agreed to the addition.

Call the Question:

The motion passed unanimously.

2. Review, discussion and recommendation to the City Council of proposed residential zoning ordinance, Title 10 Chapter 9 Article H for Scenic Development Incorporated River Park Drive Multiple-Family Housing Project Overlay Development.

Mr. Daily said this proposed development is to build a high-density apartment complex with 300 units, a swimming pool, club house and open space on a parcel of land behind Wal-Mart and Sam's Club. He said the developer also wanted to put an office building on 1050 West across from the Target store and north of Johnny's Dairy. According to Mr. Daily, the developer had researched Riverdale city's zoning requirements and found the setback restrictions for existing R4 and R5 zones would not work for their proposed complex, given the unique shape of the land parcel. In response to this concern, Mr. Daily said that he had drafted a new zoning ordinance allowing flexibility that would work with the proposed development, which he then had Jody Burnett an attorney specializing in land use and zoning review. According to Mr. Daily, Mr. Burnett recommended the ordinance be drafted using broader language so that it would not only work for Scenic Development's proposal but could be viable for other future land use as a permanent addition to the city's zoning laws. Mr. Daily said that in commercial zones the Planning Commission regularly allows overlay zones that do not meet the setback requirements. He cited two recent projects that fall in this category with the recent construction of Jiffy Lube and Noodles and Zupas and said that the precedence is that if there are no safety concerns for the overlay and if the structure is deemed architecturally pleasing to the eye, the customary setbacks have regularly been waived. Mr. Daily said this is the model he tried to follow in drafting a new ordinance to allow overlays in residential zones for the construction of multiple family dwellings.

According to Mr. Daily, the City Council had heard Scenic Development's proposal weeks ago and gave the developer a green light to proceed through the process with no guarantee that they will ultimately approve the proposal. He said the next step was this rezoning request, which will go back to the Council with a recommendation from the Planning Commission. Chairman Mitchell welcomed three representatives from Scenic Development and asked them to present their proposal.

Kim Rindlisbacher thanked the Commission for the opportunity to receive some feedback about the feasibility of their proposed project before they make a large financial investment. He told the Council that his company has been in the multifamily housing business for 18 years now and owns everything they build as an asset in their portfolio so they take pride in selecting good locations near amenities. Mr. Rindlisbacher told the Commission their developments are not low-income housing, they use the same subcontractors on each of their projects, construct buildings designed to last, and maintain their properties. According to Mr. Rindlisbacher, Scenic Development currently owns 3,000 units and has a secure financial track record. He said although the parcel of land they are interested in developing obviously isn't attractive as office park space, it is a beautiful location for an apartment complex secluded, yet a short walk to many city retailers and amenities. Mr. Rindlisbacher referenced a DDRC letter where the land management company that currently owns the parcel stated their support for the Scenic Development project and confirmed no buyer has expressed interest in using this land for office space. Mr. Rindlisbacher said Scenic Development attracts responsible tenants by conducting credit, criminal background and employment history checks so the average tenant stays 14.2 months. He said law enforcement officers get a discount to live in the complex and there are strict restrictions prohibiting drugs and loud music throughout the complex. The Planning Commission had no questions for Mr. Rindlisbacher.

Lynn Rindlisbacher told the Commission that Scenic Development already owns two units in Weber County and is excited about the possibility of expanding to Riverdale. He said his company's maintenance policy is to fix things within a week and that they regularly conduct surprise maintenance checks and offer their employees bonuses for compliance. He added that the development will provide approximately 1,000 jobs during the construction period and then will employ 30 leasing agents and 2.5 maintenance personnel full-time. Mr. Rindlisbacher told the Planning Commission his company's objective is to build a high-quality project that will become an asset to the community and a home for responsible tenants. The Planning Commission had no questions for Mr. Rindlisbacher.

Riverdale resident Nancy Brough asked the Planning Commission if they would be voting on whether or not to approve Scenic Development's proposal at this meeting and Chairman Mitchell said that no final decision would be made before a public hearing was held to receive public input and that the question before the Commission this evening was simply to consider a rezone request.

Commissioner Hilton thanked the representatives from Scenic Development for their proposal tonight. He said that he had visited their complex in Washington Terrace and thinks that they would do a nice job constructing a complex in Riverdale, if the city was interested in putting in additional rental housing. Commissioner Hilton commented that the city is already saturated with apartments and he doesn't know if this is what the city needs right now.

Commissioner Ellis asked if the developers would consider building a lower-density complex and if they were willing to try to make their complex fit within the city's existing zoning laws. Kim Rindlisbacher said construction isn't feasible with less than 250 units and clarified that the rezone request is simply to reduce the required setbacks for a section of senior homes that is proposed to sit on a narrow finger of land, not for the apartment complex. Chairman Mitchell asked why the existing R4 and R5 zones won't work and Scenic Development representative Blake Parrish said the irregular shape of the property has created setback and overlay issues in

the area where the proposed senior housing would sit. He said that the developers had never constructed a complex with senior housing before but had put some into their proposal because Mr. Daily has told them of its high demand in Riverdale. Chairman Mitchell said legal problems arise when the Planning Commission creates zones tailored to specific developments and Mr. Parrish said they could take a second look and try to accommodate the senior housing with the existing zones. There were no additional comments or questions.

Chairman Mitchell asked Mr. Daily for his recommendation. Mr. Daily said based on the discussion he would advise them to deny the proposed new zone classification to allow Scenic Development time to research the city's current zoning laws further. He also recommended that the Commission ask the City Council for direction to see if they will approve a proposal that works within the existing R zones.

Commissioner Stevens said he is reluctant to change the zoning laws for one development and asked about the feasibility of dividing up the property so that the proposed apartment complex is separate from the section with the senior homes and the office building.

Chairman Mitchell agreed that the Planning Commission needs additional Council direction before allowing this project to move forward as the Commission isn't elected and doesn't have the authority to approve or veto projects, but is simply authorized to review requests to modify ordinances and zones. Mr. Daily said that the Planning Commission is Riverdale's land use authority and can make recommendations to the Council about the use of this property based on what is in the best interest of the city's 8,400 residents. He advised the Commission to make a motion based on the zoning request on tonight's agenda

Motion: Commissioner Hilton moved to decline to approve the petition to create a new zone. Commissioner Stevens seconded the motion.

Call the Question:

The motion passed unanimously.

Commissioner Hilton moved to request guidance from the City Council for the Planning Commission as to what they intend to do with this petitioner's development request. There was no second for the motion.

Commissioner Stevens said that Riverdale's General Plan was created through a lengthy process and that the Commission makes its recommendations to the Council based on that document. He said that through public forums citizens have the final say in how they want their city structured. Commissioner Stevens told the representatives from Scenic Development that in his opinion they have enough input to know what they are up against in proceeding with their proposal through the public process.

Motion: Commissioner Ellis moved to recommend that the petitioners from Scenic Development work within the city's existing zones to make their project work and seek additional input from the City Council about the viability of having their project approved through the public process. Commissioner Hilton seconded the motion.

Roll Call Vote: Commissioner Ellis aye, Commissioner Stevens, nay, Commissioner Hilton, aye, and Chairman Mitchell, aye. The motion passed with three in favor and one opposed.

Chairman Mitchell thanked the petitioners for taking the time to come and present their proposal to the Commission and wished them luck.

F. Discretionary Items

None.

Motion: There being no further business to come before the Planning Commission Commissioner Hilton moved to adjourn the meeting. Commissioner Ellis seconded the motion. The motion passed unanimously. The meeting adjourned at 7:25 p.m.

Approved: June 14, 2011

Attest:

Braden Mitchell, Chairman

Ember Herrick, City Recorder