

Chairman Ellis said the rezone request will be discussed ahead of the remaining two consent items because there are members of the public present to participate in the public hearing. He opened the public hearing to receive public comment.

Riverdale resident Gary Boatright Jr. said he is opposed to the rezone request as he believes there is already a considerable amount of housing for sale in the community and he would not like to see an additional townhome development constructed in this area. Mr. Boatright said he is concerned the townhomes would turn into rentals and he would like to see the land with its commercial designation left vacant until a better development proposal comes along. He said he also has concerns about the prospect of adding an additional 80 vehicles of traffic congestion to 1500 West, as the road has been very busy since Riverdale City restricted traffic on Ritter Drive.

Riverdale resident Richard Hall said he is tired of the dirt and litter that blows down to his home from the vacant lot and he supports the rezone request because Destination Homes has a reputation for building quality townhomes. Mr. Hall said he is more concerned about the traffic a commercial development would create on 1500 West than a townhome development and he has spoken with his neighbors and their biggest concern is infrastructure. He said his water pressure is poor and if Destination Homes is willing to pay to conduct a study to see what infrastructure changes are necessary before new construction can proceed, he would be in favor of their proposal. Mr. Hall said he likes that Destination Homes has cut their proposed density from 60 units to 40 and created park areas between the housing units. He said he believes in the right of property owners and doesn't agree that there should be restrictions prohibiting a townhome owner from renting their units.

City Attorney Steve Brooks said he had consulted with Attorney Jody Burnett who specializes in land use and zoning law and advised Riverdale City not to require developers to put owner-occupied covenant restrictions in place because a property owner could challenge it in court. Mr. Brooks said it also puts the city in a difficult position of taking legal action against their own citizens if they rent out their townhomes.

Riverdale resident Jane Hall asked about the current zoning and Mr. Daily said it has been commercial CP-3 since the 1980's and the property could legally be developed into any type of commercial use. He said he understands there are some concerns about the townhome development but he encouraged neighbors to consider the impact a commercial development like a convenience store could have on the area as there are no restrictions on what kind of a commercial building could be built in this zone. Ms. Hall said she fought a proposal years ago to build a bowling alley on this land and she said she supports this rezone request as she would like to see the area developed residentially if the infrastructure can support it. Mr. Daily said there are peak flows for sewer and water use with residential developments that aren't problematic in commercial developments. He said Destination Homes would need to conduct expensive infrastructure studies on the water, sewer, traffic, and a Geotec soil study before they would be able to break ground on a townhome development in this area. Ms. Hall said the Utah Department of Transportation (UDOT) owns Riverdale Road and is the agency with authority to address traffic problems at the busy intersection with 1500 West. Mr. Daily said the next phase of construction work on Riverdale Road is scheduled to begin in 2014 and he has seen some UDOT engineering plans for this intersection and the proposals won't address the traffic concerns expressed tonight.

Riverdale resident Riley Shock said he is opposed to the land being rezoned for townhomes as the additional high density housing will tax existing infrastructure further and add congestion to the neighborhood without any benefit to the community.

Riverdale resident Dave Chacon asked about traffic restrictions to Ritter Drive and Mr. Daily said the traffic calming measure to prevent cars from entering Ritter from Freeway Park Drive have been successful and will remain permanent. Mr. Chacon said he has noticed some vehicles turning onto Ritter from Freeway Park Drive and if he asked if local residents are allowed to make that illegal turn to get to their homes and Mr. Daily said it is illegal for anyone to turn onto Ritter from Freeway Park Drive. Mr. Chacon asked how many buildings are proposed in the Destination Homes townhome development and Mr. Daily said 41. Mr. Chacon said the Larry H. Miller auto dealership and Alpine Church have both created more traffic in the area with customers and parishioners coming and going to services and activities weekly. He said he has concerns about the additional traffic in the neighborhood that this townhome development would create.

Riverdale resident Matt Hawkes said he would rather have townhomes than a commercial development in this area and he said the proposal appears to be a high quality development. He asked if an independent party will evaluate the findings of the infrastructure study and Mr. Daily said the city's Engineer will review any infrastructure study findings and present his opinion at a future Planning Commission meeting where the public will be invited to attend. Mr. Daily said the city could also participate in the study if it is determined to be in the community's best interest to study the West Bench Project Area beyond the land being considered for development by Destination Homes.

Scott Smith said he is opposed to townhomes because he believes there are better commercial uses for this property that won't put additional stress on Riverdale's infrastructure or create more traffic congestion in the neighborhood. He said he is a business owner and is interested in building a commercial building on one of the lots for sale that would have low traffic impact. Mr. Smith said he has concerns that if Destination Homes hires a company to do a study to evaluate if the existing infrastructure can support their development they may not be objective in their findings. Mr. Daily said Riverdale City would have an independent engineer who specializes in public works evaluate the findings of any infrastructure study.

Amanda Price said she would like less traffic on 1500 West and she asked if a compromise could be reached where part of the land is developed commercially and townhomes are built on the other half. Chairman Ellis explained tonight's public hearing is just to determine whether or not to grant the petitioner's rezone request to allow townhomes to be built in the area.

Riverdale resident Arlene Vigil said she is opposed to the rezone request and would like this area to remain residential as high density housing will add additional traffic and the neighborhood is already overwhelmed with cars heading to the Larry H. Miller auto dealership and Alpine Church. She said closing Ritter drive at the top of Freeway Park Drive has created additional traffic on 1500 West in her neighborhood and she doesn't want high density housing creating additional congestion problems.

Riverdale resident Jane Shivers said her biggest concern is also traffic and in the last eight years she has seen more cars and people driving at higher rates of speed coming down the hill past her

home. She said conditions are dangerous for children walking and playing in the area and she is concerned that additional traffic on her road will make the neighborhood unbearable to live in.

There were no additional comments or questions.

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

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Mr. Daily introduced Destination Homes Owner Brad Wilson and allowed him some time to present his townhome development proposal to the Planning Commission. Mr. Wilson apologized for arriving late to the meeting saying that he thought the public hearing started at 7 not 6:30 p.m. Mr. Wilson displayed several images of the proposed townhome development and said Destination Homes lowered the density to 11 buildings with 41 townhomes, added two car garages and created a park and open space in the middle to be used as a park in good weather and for snow removal in the winter. He said these modifications were made to address concerns previously expressed about this development by the Planning Commission and City Council. He said a bank owns the property and approached Destination Homes to see if they were interested in building townhomes as a good buffer between the commercial and residential zones. Mr. Wilson said studies have been published claiming that townhomes create less traffic than commercial developments on average. He said his company is willing to do studies to evaluate the capacity of the water and sewer systems and a traffic study to see if the existing infrastructure and roads can support this proposed new development.

Chairman Ellis asked members of the Planning Commission for any questions or comments and Commissioner Hilton asked about the price of the proposed townhomes. Mr. Wilson said these units will have nice amenities like granite counter tops, tile entryways, and hard wood floors and will sell for between \$170,000 and \$220,000. Commissioner Gailey said there are currently available townhomes in the city that haven't sold and he asked Mr. Wilson how confident he is in his ability to sell these townhomes as the city would not like to see them sitting vacant. Mr. Wilson said his company completed a similar development in Kaysville last May and over half of the units have already sold. He said it typically takes one to two years to sell all the units in a development and then a professional homeowners association (HOA) takes over responsibility for maintenance of the grounds and building and walkways paid for through homeowner dues to keep the development looking nice over time.

Commissioner Hilton asked about the possibility of these townhomes turning into rental units over time and Mr. Wilson said HOA restrictive covenants could be used to keep the townhomes owner occupied. Commissioner Hilton asked if the covenants are enforceable and Mr. Wilson said he consulted with an attorney that drafts these agreements and he reported that they work well for over 100 developments across the Wasatch Front that have similar provisions. According to Mr. Wilson, all of the townhomes in Kaysville's Destination Homes development are owner occupied.

Mr. Daily asked about a timeline for this development if the rezone request is approved and Mr. Wilson said the mandatory infrastructure study will take some time but once construction begins all 41 units should be complete within two years. Chairman Ellis asked about the demographic of typical townhome buyers and Mr. Wilson said one third are young couples, one third are

families and one third is professional singles. He said the layout of townhomes utilizes stairs which discourages most empty nesters or seniors from living in them.

Commissioner Jones asked if a traffic study will be required before construction begins on the development and Mr. Daily said a study will be required but he reminded the Commission a commercial development could create significantly more traffic than townhomes.

Commissioner Gailey said he lives at the bottom of Ritter Drive and traffic was a big problem before turning traffic was restricted at Freeway Park Drive. He said as a Planning Commissioner he wants to do what is best for the community but as a resident traffic congestion is huge concern for him and many other residents who spoke during the public hearing. Mr. Daily said there will be additional traffic with any development. Commissioner Fleming said as a real estate agent she would like to see this parcel developed residentially as patio homes with lower density than townhomes and Mr. Wilson said the architect who designed the townhome concept plan advised that the proposed layout is best. He said if patio homes were built homeowners would be backing out of their driveways onto busy 1500 West. Mr. Wilson said studies have found that townhome traffic for 40 units would be similar to 25 single family homes.

Commissioner Hilton thanked Destination Homes for their presentation and members of the public who voiced their concerns and opinions during tonight's public hearing. He said the Planning Commission and City Council have reviewed a few different multifamily housing proposals in the last year and the consensus seems to be that currently Riverdale has enough high density housing. He said public opinion seems to be split and he is in favor of leaving the parcel zoned commercial so that the traffic and water and sewer issues will not need to be addressed until there is consensus about the future development of this land.

Commissioner Stevens said¹ “the history of this, I've been around on the Planning Commission for seven plus years and so I've seen these parcels of property come up several times now it's affectionately known as Hayward because Mr. Hayward was the one who was originally developing it and I think he was the one who put the roads and different things in and did some capital improvements on the property. Now when he came to Planning Commission several years ago with his proposal site plan was for single level office space which was burned into my memory as something very amiable for that area something that would be very good whether those be medical offices like a dental office or professional office that I really liked his plan. Now unfortunately his timing was real bad and it didn't the funding dried up with the housing when the funding dried up and unfortunately the bank owns it now. The bank has, the property owner can do with their property what they choose the city does not have as long as they conform to the zoning property owners can do what they choose now in this case the property owner has approached a developer, fine. But it requires some changes some zoning changes and I mean anytime you do a development there are a lot of moving pieces that have to come together and sometimes in my brief experience as a commercial working in commercial lending it there is so much involved in putting a project together quite frankly I'm amazing when projects do come together and move forward. So I tip my hat to anybody who puts forth the energy and effort it takes to do a development. Then the question becomes what fits not only the property but what fits the you know works in the community sense and so on. There's a lot of concerns now Randy you put forth I've seen some of your product your showpieces I forget what the term is...model home, thank you, and yes they're high end now a few years ago also in that timing

¹ Commissioner Steven's comments are included verbatim to address a concern he expressed in the work session that the summary meeting minutes Riverdale City has adopted do not capture the passion of his arguments and are insufficient for the City Council to ascertain the breadth of the debate without listening to the meeting recording.

there was Mr. Cutrbus who came in and put in some nice sounds like almost in the same price range they didn't sell, they're rentals. They're still rentals now that doesn't mean that they're run down or anything he's trying to you know wait for the market to come back, he's drawing some and that's fine because the people that live there are good homeowners, well good renters, however you want to classify it. The point is is commercial property draws a premium price residential is not so much the case and so to make this work for the property owner I can understand where the price break needs to be in more high density I totally understand that from accounting cost accounting point of view. Now would is that would that be my desire or my first choice no my first choice is what Mr. Hayward brought into us several years ago of doing these single level office buildings I like that now we had a lot of comments tonight we had a comment saying he'd like to pursue his business on a parcel, great you know I don't know where that would be and what the discussion was but you know I think if I don't know I'm speaking off the top of my head on this if it became widely known the seller would take a price would he take it I think he was trying to do it as the whole thing, you know the whole thing all at once as a seller rather than sell it in parcels, I could be wrong on that but I did hear the seller was trying to go in that route and that's fine if it works for them so be it now the Planning Commission is going to take a vote and in my opinion and the Planning Commission is advisory only. The vote here is not, is not really it advises the City Council who are the decision makers alright quite frankly my opinion the vote is secondary to being able to articulate a logical reason of why you are doing something one way or the other. I think the comments tonight were very good and very well stated and I think the city council will use those that input beneficially. Now I whether I vote nay or aye tonight it doesn't really matter this is going to be addressed at a different time. I'm inclined not to support it but I think there's a lot bigger picture going on and it was touched on I mean Howard Coleman's family I hear people talking about what they would like to see happen I see some money involved in pursuing something now nothing formal mind you I think there's that whole area's going to see a lot more impact and the big picture is whether it's sewer or traffic it's going to be impacted far more than the Hayward property and what Destination Homes has put out there so this is going to be on the agenda for in one form or another for a period of time. I mean whether this goes forward tonight with positive or not it is this is going to be around for a while, thank you."

Motion: Commissioner Stevens moved to deny the rezone request from CP-3 to MFROZ townhomes located in the Hayward Business Park Subdivision on 1500 West in Riverdale. Commissioner Hilton seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Chairman Ellis said the second consent item is consideration of setting a public hearing to amend RCC 10-28, Residential Landscaping. Mr. Daily said the Planning Commission has had information to review on proposed amendments to the city's residential landscaping requirements for several weeks. He said the proposed changes will remove gravel from the list of acceptable hard surfaces for parked vehicles to assist Riverdale's Code Enforcement Officer in dealing with citizen complaints about neighborhood landscaping. Commissioner Gailey said he would like a distinction made between using gravel to landscape a yard and using it to create a parking space for a vehicle.

Mr. Daily said the amendments will prohibit parking on gravel in front of homes, requiring that vehicles be parked on asphalt or concrete and that 40 percent of front yards be landscaped not just hardscaped. Commissioner Jones said he is opposed to the proposed amendments because this is not a big problem in the city and the changes will affect a lot of people when only a few residents have complained about a couple of properties. Commissioner Hilton said he knows of several examples of front yards with numerous vehicles parked on gravel in the city and he said he believes the city should play a role in helping neighbors get along so that neighbors don't get into disputes with each other. Commissioner Hilton asked if there are any restrictions on the number of cars residents can park on their property and Mr. Daily said there are no limits. Commissioner Hilton said he is in support of the city defining what an appropriate parking surface is. Commissioner Fleming asked about recreational vehicle (RV) parking along the side of homes on gravel and Mr. Daily said that would still be allowed under the proposed amended ordinance as the changes only affect front yards.

Commissioner Fleming said she agrees with Commissioner Jones that the Planning Commission shouldn't regulate how people use their personal property. She said Riverdale City Code already addresses nuisances and Commissioner Hilton asked Mr. Brooks if the existing nuisance ordinance can address complaints without amending the city code. Mr. Brooks said the nuisance ordinance is broad and can address most complaints. Commissioner Fleming asked how the new proposed changes to landscaping would be enforced and Mr. Daily said Riverdale's Code Enforcement Officer would actively patrol and issue citations for violations. Mr. Daily said if someone complains the city investigates the complaint and if it is a violation of city ordinance it is handled through the court. He said if several of the same complaint arise that aren't addressed in city code that is usually a good indication that an amendment is needed. Commissioner Hilton asked what kind of landscaping restrictions other cities have in place and Mr. Daily said Riverdale is not as strict as many other Utah cities.

Chairman Ellis said he doesn't want amendments being driven by a few resident complaints and he doesn't like the city telling people where to park so that he will be violating city ordinances if he has a family party and his guests don't park on hard surfaces. He asked how the city would enforce the new restrictions, if existing properties would be grandfathered, and how Riverdale's Code Enforcement Officer could determine the date landscaping was put in. Mr. Daily said city ordinance allows for occasional parking on front lawns so that nuisance citations aren't issued for parties or special events. Commissioner Hilton asked if the nuisance ordinance can address parking problems and is sufficient without amending the city code and Mr. Daily said the proposed amendments will simply expand the list of what constitutes a nuisance. Mr. Brooks said cities try and accommodate the wishes of the majority of their residents and the Planning Commission shouldn't feel obligated to amend RCC 10-28 simply because parking on gravel irritates a few residents.

Commissioner Stevens said "it's nice to see the other members of the Planning Commission get impassioned about something and really bring up some good points. You mention if it's one individual my thing is a high profile versus somebody in a less traveled road in my opinion would not get the same, neighbors will always complain and I think we talked about that earlier the problems with that something so specific can be used potentially can be used as a weapon in a neighbor feud and you don't want the city potentially being there in that kind of a scenario. I just can't see this moving forward and Mr. Chairman I think we'd like to call for...Mr. Chairman I'd like to make a motion."

Commissioner Stevens said the Planning Commission needs to untable discussion on the proposed amendment before voting on it.

Motion: Commissioner Stevens moved to untable the discussion on amending RCC 10-28 Residential Landscaping. Commissioner Gailey seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Motion: Commissioner Stevens moved to deny the proposed amendments to RCC 10-28 Residential Landscaping. Commissioner Fleming seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Chairman Ellis said the third consent item is consideration of setting a public hearing to amend RCC 10-19-9, temporary structures for seasonal sales. Mr. Daily said Riverdale needs to define what seasonal sales are so that there are some restrictions on what can and cannot be sold on city street corners. He recommended setting a public hearing for January 8, 2013 to discuss this topic and receive public comment.

Motion: Commissioner Gailey moved to set a public hearing for January 8, 2013 to amend RCC 10-19-9 Temporary Structures for Seasonal Sales. Commissioner Hilton seconded the motion.

Call the Question: The motion passed unanimously.

F. Discretionary Items

Chairman Ellis asked for any discretionary items and Mr. Daily reminded the Planning Commission that they are invited to the Riverdale City Christmas dinner at noon on Wednesday December 19, 2012 at the Community Center.

Mr. Brooks complimented the Planning Commission on their service and discussion tonight and the diversity of opinions among the group and the different expertise and knowledge each member contributes because of their unique backgrounds. He said he was impressed with their professionalism and explained the reason he doesn't attend Planning Commission meetings regularly is because he is legal counsel for the City Council and if he advised both bodies and a legal issue arose between the two bodies the city would need to hire outside counsel to advise the Planning Commission and he would serve as legal counsel for the Council.

Commissioner Gailey asked if recognition should be given to Commissioner Stevens as his term is set to expire at the end of the year and the City Recorder said Commissioner Stevens and Fleming's terms don't expire until January 31, 2013. She said she hadn't yet heard if the Mayor intends to reappoint them to another term or not and Commissioner Stevens said "a year ago I had a conversation with the Mayor and he expressed some concerns with me and he asked me to

resign and then went on to state that, gave me an ultimatum and said asked me to resign with the caveat that he appointed me and he could remove me. He really can't, he appoints it's the Planning or the City Council that recommends or denies and they did not see that and so I would stay out for the remainder of my term which is through, I guess I thought it was through the beginning of January as I read it but it's through January then I'll be around. I've seen a lot of Commissioners come and go and some really good ones too."

Motion: There being no further business to come before the Planning Commission, Commissioner Hilton moved to adjourn the meeting. Commissioner Fleming seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:06 p.m.

Approved: January 8, 2013

Attest:

Brent Ellis, Chairman

Ember Herrick, City Recorder