

Minutes of the Regular Meeting of the Riverdale City Planning Commission held Tuesday, September 12, 2017, at 6:30 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present: Commissioners: Blair Jones, Vice-Chair
David Gailey, Commissioner
Kathy Eskelsen, Commissioner
Lori Fleming, Commissioner
Robert Wingfield, Commissioner
Gary Boatright, Commissioner

City Employees: Mike Eggett, Community Development
Jackie Manning, City Recorder

Excused: Steve Hilton, Chairman

Visitors: Becky Meehan Kelly Kearns Mark Henderson
Clark Hogan Mike Meehan

A. Welcome & Roll Call

The Planning Commission meeting began at 6:30 p.m. Vice-Chair Jones welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present with the exception of Chairman Hilton who is excused.

B. Open Communications

Vice-Chair Jones asked for any open communications and there were not any.

C. Presentations and Reports

Vice-Chair Jones turned the time over to Mr. Eggett who reported the following:

- Security Service Federal Credit Union grand opening on September 13, 2017 at 3:00 p.m.
- Jersey Mike's Subs will be opening sometime in October
- Lumber Liquidators has begun construction
- AT&T and Sleep Number businesses will open soon
- Utah League of Cities and Towns is hosting a Planner's Day at the Sheraton hotel in Salt Lake City on September 14, 2017

D. Consent Items

1. Consideration of meeting minutes from the Planning Commission Meeting held on August 22, 2017.

Vice-Chair Jones asked for changes or corrections to the Planning Commission meeting minutes for the August 22, 2017 Work Session and Regular Meeting. There were no changes requested.

MOTION: Commissioner Eskelsen moved to approve consent items, meeting minutes as written.
Commissioner Wingfield seconded the motion.

There was no discussion regarding this motion.

CALL THE QUESTION: The motion passed unanimously in favor to approve the meeting minutes.

E. Action Items

1. a. Public Hearing: to receive and consider comments regarding a Rezone Request for properties located at approximately 4465 South 600 West, Riverdale, Utah, zone change from Agricultural (A-1) to Regional Planned Commercial (CP-3) zoning; requested by M&J Leisure LC.

Mr. Eggett summarized an executive summary which explained:

M&J Leisure LC, as represented by Kelly Kearns, is requesting a rezone of property located at approximately 4465 South 600 West from Agricultural (A-1) zoning to Regional Planned Commercial (CP-3) zoning to allow for possibility of a future waterpark expansion (of Classic Waterslides area) and the potential for other future business opportunities on this property (see the application documents for further explanation). This request is for approximately 13.09 acres of land that would be affected by the proposed rezone request (see the attached zoning map document for more information). As required by State Code and to allow for public commentary, a public hearing has been noticed and scheduled to receive

and consider public comment on the proposed amendment to the zoning map. Following the public hearing, the Planning Commission may provide a recommendation to the City Council regarding this rezone request.

Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-9E "Multiple-Family Residential (R-4) zone", 10-9F "Multiple-Family Residential (R-5) zone", and 10-10A "Regional Commercial (C-3) zone".

The petitioner's property is currently listed in the County Records under the ownership of M&J Leisure LC. This property have been utilized as open pasture and hillside areas for many years adjacent and around a waterpark (Classic Waterslides) property located more towards the northern end of this property.

The appropriate application and supporting documentation have been submitted and provided to the Planning Commission for review (please see attached applicant response documentation and maps for more).

Public hearing notifications required by State and City Codes have been completed in conformance with the standards established by these Codes and as reflected in the attached documentation.

General Plan Guidance (Section Reference)

The General Plan use for this area is currently set as "Agricultural" with the exception of the already established waterslides area which is set as "Planned Commercial – High".

PUBLIC HEARING OPEN. Vice-Chair Jones opened the public hearing.

Mike Meehan stated he owns 10 acres of property located south of the proposed rezone property. His property is zoned Agricultural and he half a dozen horses. He is the business owner of Burch's Trees and he uses this property to stage the Christmas Trees. He discussed the small tight road that leads to his property and noted the difficulty of having large trucks use that narrow road due to the high traffic during the summer months. He is opposed to the rezone request.

Becky Meehan, 2815 West 700 South, Syracuse, Utah, expressed concern regarding the hillside located on the rezone property. She informed the Commission that her father is Richard Burch. She had heard the hillside is unbuildable. She discussed the trail put in the hillside by the rezone applicants which resulted in flooding of the private road, causing property access difficulties for surrounding property owners. She expressed further concern regarding the hillside and how it may impact future property access. It was noted the Meehan's use the springs throughout that area to water their horses.

Commissioner Fleming asked who maintained the private road and Ms. Meehan explained she and her spouse did. It was noted all the private property owners have an easement to use the private road. This easement was put in place prior to the Waterslide business being established.

MOTION: Commissioner Fleming moved to close the public hearing. Commissioner Boatright seconded the motion; and all voted in favor.

b. Consideration to forward a recommendation to the City Council regarding a Rezone Request for properties located at approximately 4465 South 600 West, Riverdale, Utah, zone change from Agricultural (A-1) to Regional Planned Commercial (CP-3) zoning; requested by M&J Leisure LC.

There was a discussion regarding the northern portion of the rezone request and whether or not the General Plan reflected it as commercial. It was determined, upon reviewing the General Plan Map and the applicant confirming their rezone area, that the General Plan did reflect some commercial for this parcel. Mr. Eggett confirmed the single parcel overlapped two zones (Agricultural and Commercial).

Commissioner Fleming asked the applicant if they would consider reducing the amount of land they requested to be rezoned. Mr. Kearns stated they are will to negotiate, but their preference would be to rezone the entire parcel as requested. There was a continued discussion as to which area is most important to the applicant for the rezone.

There was a discussion regarding the road access for this business. Mike Hogan, explained the business is only open for 70 days and traffic is definitely considered every year. This rezone request would allow the applicants to potentially expand their business, such as the addition of a kiddie pool. Mr. Eggett explained any future development would require a site plan review which would also address traffic, roads, etc.

Mark Henderson, the operator of the waterslide, discussed the difficulty of exploring potential business opportunities without knowing whether or not the land can be rezoned, because of the cost to conduct research. After the land is rezoned they [the land owners] will explore all of their options.

There was a general expression of concern expressed by the Planning Commissioners regarding increased traffic, topography development difficulties, and potential negative impacts to the neighboring property owners that could occur

as a result of this rezone. Mr. Eggett explained every development/use for a Planned Commercial zone would require the applicant to appear before the Planning Commission and the City Council for approval. This is an added land use protection afforded to the Planned Commercial Zone.

Mark and Becky Meehan were given permission to make additional comments. Mr. Meehan discussed the properties surrounding the area and noted how secluded the area was. He felt any changes to the property could increase traffic. Ms. Meehan discussed the difficulty of making the turn to access the private road from Riverdale Road. Ms. Meehan stated the applicants recently tried to sale the property, she questioned why the applicants would rezone the property unless it was for the purpose to sell it immediately following the rezone. Mr. Meehan stated during the summer season when the waterslide is open the parking and traffic makes it difficult for them to access their property. Mr. Kearns explained the future expansion would include additional parking which should address some of the traffic concerns on the private road.

MOTION: Commissioner Fleming moved to forward a favorable recommendation to the City Council regarding a Rezone Request for properties located at approximately 4465 South 600 West, Riverdale, Utah, zone change from A-1 Agricultural to CP-3 Regional Planned Commercial zoning for the northern portion of the property to the main gate line, in lieu of the applicant's original request. Commissioner Eskelsen seconded the motion.

There was no discussion regarding this motion. Motion carried with a majority vote.

ROLL CALL VOTE: Commissioners Jones, Gailey, Eskelsen, and Fleming voted in favor. Commissioners Wingfield and Boatright voted in opposition. The motion carried with a majority vote.

2. Consideration to forward a recommendation to the City Council of Final Site Plan and Plat for Greenhill at Riverdale Apartment Buildings Addition, property located approximately 4189 South 300 West, Riverdale, Utah 84405; requested by Riverdale Apartment Partners and US Development.

Mr. Eggett summarized an executive summary which explained:

Riverdale Apartment Partners has applied for a Multiple-Family Residential Site Plan and Plat review and approval for apartment building additions to the Greenhill at Riverdale Apartments property located at approximately 4189 South 300 West in a Multiple-Family Residential R-5 zone (a very small portion of this area was recently approved and rezoned from R-4 to the R-5 zone). The proposed subdivision site plan is before the Planning Commission at this time for final review and approval of the site plan and plat. A public hearing is not required to consider this proposed site plan and plat. On August 22, 2017, this request came before the Planning Commission and at the conclusion of the discussion, the Planning Commission approved the Preliminary Site Plan and Plat with the requirement that the applicant resolve outstanding staff concerns. Following the presentation and discussion of the final site plan and plat proposal, the Planning Commission may make a motion to recommend City Council approval of the final site plan and plat, final approval with additional requirements, or not recommend City Council approval of the proposed Greenhill Apartments building additions site plan and plat with the appropriate findings of fact. Should this proposal receive final approval, the site plan and plat would be sent on to the City Council for Final Site Plan and Plat approval consideration.

Title 10 Ordinance Guidelines (Code Reference)

This Development/Residential Subdivision Site Plan review is regulated under City Code 10-21 "Subdivisions" and City Code 10-9F "Multiple-Family Residential Zone (R-5)". This proposal is also affected by City Codes 10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", and other various development standards found within the City Code.

The petitioner's properties are currently listed in the County Records under the ownership of Riverdale Apartment Partners. These properties have been maintained as multiple-family residential apartments and associated service buildings for many years.

Recently, the City Council approved a proposed small property swap of real estate to accommodate the proposed apartment building in the south of this property. As part of this property swap and in order to allow the proposed apartments to have the appropriate setbacks needed for their proposal, the Riverdale City leadership submitted a rezone application for a large portion of property south of the Greenhill Apartments property (as jointly owned by Riverdale City and the Riverdale RDA) to change the zone from Multiple-Family Residential (R-4) zoning to Community Commercial (C-2) zoning. On September 5, 2017, this rezone request was approved by the City Council and will now allow the City and RDA to utilize property zoning that hopefully will provide for future commercial development opportunities on these associated properties.

The applicant group also provided a rezoning application to the City to rezone all properties in the new project plat from Multiple-Family Residential (R-4) and Regional Commercial (C-3) zoning to Multiple-Family Residential (R-5) zoning. This rezone request was approved by the City Council on September 5, 2017 for the property area, as shown in the submitted plat for this project development.

Additionally, the Greenhill Apartments applicants have provided a conditional use application for the proposed building additions that is required to allow the development of more than 49 units within an R-5 zone. The conditional use permit for this project is also being considered for approval during this meeting and is on the agenda following this final recommendation action item.

Attached with this executive summary is a supplementary document addressing items on the Preliminary Site Plan application and as directed by 10-21 of the City Code. Also attached, following this executive summary, are comments from the contracted City Engineer, Public Works Department, Fire Department, Police Department, and City Administrator. The Planning Commission should discuss these summaries and any noted Planning Commission and/or staff concerns.

General Plan Guidance (Section Reference)

The General Plan use for this area is currently set as "Planned Commercial - High" and, although this project proposal is not a commercial project, it would be complimentary to the regional commercial uses in this area of the City.

Ernie Willmore, the applicant, stated he is working hard to comply with all city requirements and hopes these improvements will encourage long term tenants.

Mr. Eggett further explained he received comments from the contracted City Engineer and there are no major concerns.

MOTION: Commissioner Boatright moved to forward a favorable recommendation to the City Council of Final Site Plan and Plat for Greenhill at Riverdale Apartment Buildings Addition, property located approximately 4189 South 300 West, Riverdale, Utah 84405; requested by Riverdale Apartment Partners and US Development. Commissioner Wingfield seconded the motion.

There was no discussion regarding this motion.

CALL THE QUESTION: The Planning Commission voted unanimously in favor of the final site plan.

3. Consideration of Conditional Use Permit request for Greenhill at Riverdale Apartment Buildings Addition; property located approximately 4189 South 300 West, Riverdale, Utah 84405; requested by Riverdale Apartment Partners and US Development.

Mr. Eggett summarized an executive summary which explained:

The petitioners Riverdale Apartment Partners have filed for a conditional use permit to build an additional 30 apartment units and amenities to an existing 103 unit apartment complex at 4189 South 300 West (Greenhill at Riverdale Apartments), as required by 10-9F-3 of the Riverdale City Code. This property development proposal is located within a Multiple-Family Residential (R-5) Zone. Per City Code, as found in 10-19-5 of the Code, there are seven criteria to review in making a determination regarding potential impacts associated with a conditional use permit request. This application does not appear to be in conflict with these criteria. 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 the requested additional 30 apartment units and amenities in the proposed Greenhill Apartments Addition to be constructed at 4189 South 300 West, subject to the appropriate findings of fact.

Title 10 Ordinance Guidelines (Code Reference)

This Conditional Use Permit request is regulated under City Code 10-9F "Multiple-Family Residential Zone (R-5)" and 10-19 "Conditional Uses".

Community Development staff has discussed this property use proposal and the conditional use standards for this request with the petitioners. Currently, the property has 103 existing apartment unit residences on the property that have existed there for many years prior. The property is currently listed with Weber County as being owned by Riverdale Apartment Partners, LLC. This request has been provided as a concurrent requirement of the site plan and plat request for the Greenhill at Riverdale Apartments Buildings and Amenities Addition to this property.

For discussion purposes, there has been provided supplementary documents regarding this request, which includes the application and items previously provided with the site plan and plat review process.

All R-5 zoning conditional use requests within the City are subject to City Code 10-19-5, which states:

10-19-5: BASIS FOR REVIEW OF CONDITIONAL USE PERMIT:

The planning commission shall review a conditional use permit with evidence presented to establish that:

A. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

- B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.
 - C. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and
 - D. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs; and
 - E. The proposed use conforms to the goals, policies and conditions specified in this chapter for such use; and
 - F. That the proposed use conforms to the goals, policies and governing principles and land use of the master plan for the city; and
 - G. The proposed use will not lead to the deterioration of the environment, or ecology of the general area, nor will it produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect, to any appreciable degree, public or private property, including the operation of existing uses thereon, in the immediate vicinity or the community or area as a whole. (Ord. 665, 8-19-2008)
- Staff would encourage the Planning Commission to review this matter and discuss any concerns, that may arise, with the petitioner. Staff would then recommend that the Planning Commission act accordingly to make a motion to approve, approve with amendments, or not approve the Conditional Use permit for the requested additional 30 apartment units and amenities in the proposed Greenhill Apartments Addition to be constructed at 4189 South 300 West, subject to the appropriate findings of fact.

General Plan Guidance (Section Reference)

The General Plan use for this area is currently set as "Planned Commercial - High" and, although this project proposal is not a commercial project, it would be a complimentary residential use adjacent to the established regional commercial uses in this area of the City.

There were no additional comments.

MOTION: Commissioner Wingfield moved to approve the Conditional Use Permit request for Greenhill at Riverdale Apartment Buildings Addition; property located approximately 4189 South 300 West, Riverdale, Utah 84405; requested by Riverdale Apartment Partners and US Development. Commissioner Boatright seconded the motion.

There was no discussion regarding this motion.

CALL THE QUESTION: The Planning Commission voted unanimously in favor of the conditional use permit.

F. Discretionary Items

There was no discretionary business.

G. Adjournment

MOTION: There being no further business to discuss, Commissioner Fleming moved to adjourn the meeting. Commissioner Eskelsen seconded the motion; all voted in favor.

The meeting adjourned at 7:41 p.m.

Steve Hilton
Planning Commission Chair

Jackie Manning
City Recorder

Date Approved: _____