

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, July 5, 2016, at 6:08 PM, at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

Present:

City Council:	Norm Searle, Mayor Brent Ellis, Councilor Gary E. Griffiths, Councilor-participated via conference call Braden Mitchell, Councilor Alan Arnold, Councilor Cody Hansen, Councilor		
City Employees:	Steve Brooks, City Attorney Scott Brenkman, Police Chief Mike Eggett, Community Development Jackie Manning, City Recorder		
Excused:	Rodger Worthen, City Administrator		
Visitors:	Charles Kerkvliet Delyn Yeates	David Leahy Josh Yeates	Thomas Hunt Elizabeth Hunt

A. Welcome and Roll Call

Mayor Searle called the meeting to order and welcomed all in attendance, including all Council Members and all members of the public. Councilor Griffiths participated via conference call. Mayor Searle excused the City Administrator who is out on medical leave.

B. Pledge of Allegiance

Mayor Searle invited Councilor Mitchell to lead the Pledge of Allegiance.

C. Moment of Silence

Mayor Searle called for a moment of silence and asked everyone to remember our police officers, fire fighters, U.S. Military service members, and members of the City Council as they make decisions this evening.

D. Open Communications

Mayor Searle invited any member of the public with questions or concerns to address the Council and asked that they keep their comments to approximately three minutes. There were no comments made.

E. Presentations and Reports

1. Mayors Report

Mayor Searle reminded the members of the audience to sign the roster located in the lobby to ensure an accurate record is kept reflecting those who were in attendance of this meeting.

Councilor Ellis explained he serves on the Mosquito Abatement Board. He encouraged everyone who owns an apiary to register with the Mosquito Abatement. The chemicals used to kill the mosquitoes may have a negative impact on bees.

F. Consent Items

1. Review of Meeting Minutes for City Council Meetings held on June 21, 2016 Regular Meeting and Work Session.

Mayor Searle asked for any changes to City Council Meeting minutes. As noted in the work session, Councilor Hansen requested a sentence be added to line 38, "Councilor Hansen inquired about the Unity Property." There were no additional amendments requested.

MOTION: Councilor Mitchell moved to approve the consent items as amended. Councilor Arnold seconded the motion. There was not any discussion regarding this motion. The motion passed unanimously in favor.

G. Action Items

- a. Consideration of Amended Site Plan for Riverdale Assisted Living Center, 1580 West Ritter Drive, Riverdale, Utah 84405.**

Mayor Searle explained each action item on the agenda will need a separate motion for each item.

Mike Eggett, Community Development, summarized an executive summary which explained:

Riverdale Assisted Living, LLC, as represented by Delyn and Josh Yeates, has applied for an Amended Site Plan review of the Riverdale Assisted Living Center at approximately 1580 West Ritter Drive in an Agricultural (A-1) zone. The original site plan was previously approved by the Riverdale City Council on August 2, 2011 and updated on September 20, 2011, then known as Aunt Nancy's Assisted Living Center, and was planned to be developed in two phases. Additionally, an agreement was made with the developers, at that time, that a rezone process to change the zoning to Low Impact Transition Overlay (LIT) Zone would occur once construction on the project has commenced. As part of this site plan approval, a subdivision plat was created for the site and was anticipated to be recorded with the County. Unfortunately, the plat was never recorded and is provided following this document as part of this consideration approval process by the City Council.

The project is being proposed for development on property currently owned by Taska Capital V LLC. A public hearing is not required to consider this Site Plan proposal. The Amended Site Plan is before the City Council because the new developers would like to build the entire building at one time and not in phases; additionally some areas of the proposed building are now configured differently than previously approved by the City Council in 2011. The proposed Amended Site Plan was recommended to the City Council for approval by the Planning Commission on June 14, 2016, with the understanding that the applicant resolve all outstanding staff concerns and comments.

An additional component of this site plan request is the review, discussion, and consideration of the proposed Development Agreement with Riverdale Living, LLC, which has been provided within this packet for review by the City Council. The City Attorney has reviewed this document and is comfortable with the language found therein.

Title 10 Ordinance Guidelines (Code Reference)

This Amended Site Plan review is regulated under City Code 10-25 "Development in All Zones", and is affected by City Codes 10-8 "Agricultural Zones (A-1, A-2)", 10-13D "Low-Impact Transition Overlay Zone (LIT)", "10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", and 10-16 "Sign Regulations".

The proposed development parcel is located at the west end of Ritter Drive on property. The property is in an A-1 zone and the desired use of this property, per federal housing standards, would be allowed for this project to be developed on this site. Per the applicant, the desired use is assisted living care facility and ancillary services to the facility.

Attached with this executive summary is a document entitled "Amended Site Plan Review – Riverdale Assisted Living Center (old Aunt Nancy's)"; this is a supplementary document addressing items on the Site Plan application document. Also attached, following this executive summary, are comments from the Public Works Director, the Fire Chief, the Police Chief, and contracted City Engineer. Key concerns noted by the City Engineer are tied to geotechnical study updated information and the onsite detention standards and requirements imposed by the State of Utah. The City Council should discuss any concerns raised by these summaries.

In addition to the Amended Site Plan documentation, there is the updated interior building design and layout, proposed elevation drawings and color rendering, the proposed engineer's cost estimate, an updated Geotechnical Report letter from Y2 Geotechnical, P.C., and a proposed draft development agreement for the project.

Signage for the site is regulated per City Code 10-16 (specifically section 8.(A.) for Residential Districts); the applicant should be directed to adhere to this Code when contemplating signage.

Mr. Eggett disclosed the applicant has been working diligently to address the staff concerns.

Councilor Ellis inquired about connectivity to this lot and a neighboring paint store owner. Mr. Eggett stated due to the difference in grading between the properties this does not appear to be an option at this point.

MOTION: Councilor Arnold moved to approve the Amended Site Plan for Riverdale Assisted Living Center, 1580 West Ritter Drive, Riverdale, Utah 84405 contingent upon all requirements to the city staff prior to the issuance of the building permit, and that the plat be recorded and approved. Councilor Hansen seconded the motion.

Mayor Searle invited discussion regarding the motion. There was not a discussion.

CALL THE QUESTION: The motion passed unanimously.

b. Consideration of Resolution 2016-19 adopting a Development Agreement between Riverdale City and Riverdale Living, LLC

Mike Eggett had nothing additional to add and invited questions. There were no additional questions.

MOTION: Councilor Ellis moved to approve Resolution 2016-19, adopting a Development Agreement between Riverdale City and Riverdale Living, LLC contingent on addressing staff requirements and concerns prior to execution. Councilor Arnold seconded.

Mayor Searle invited discussion regarding the motion. There was not a discussion.

ROLL CALL VOTE: Councilor Griffiths, Ellis, Mitchell, Arnold, Hansen. The motion passed unanimously.

2. a. Consideration of Final Site Plan for Maverik, Inc., 900 West Riverdale Road, Riverdale, Utah 84405.

Mike Eggett, Community Development, summarized an executive summary in the packet which explained:

Maverik, as represented by Elizabeth Hunt, has applied for a Final Site Plan review of a Gas Station and Convenience Store Site Plan located at 899 West Riverdale Road in a Regional Commercial (C-3) zone. This site plan is being proposed for development on property currently owned by H&P Investments. A public hearing is not required to consider this Site Plan proposal. This Preliminary Site Plan was approved previously by the Planning Commission on May 10, 2016 and was recommended for City Council approval by the Planning Commission on June 14, 2016, with the understanding that the applicant is to resolve all outstanding staff concerns and comments.

A secondary component of this site plan request is the review, discussion, and consideration of the proposed Development Agreement with Maverik, Inc., which has been provided within this packet as well for review by the City Council. The City Attorney has reviewed this document and is comfortable with the language found therein. There is noted one small error in clause "3.2.1" of the agreement that probably should have the reference to "Section 8.1" made to Section "3.3" instead.

Title 10 Ordinance Guidelines (Code Reference)

This Final Site Plan review is regulated under City Code 10-25 "Development in All Zones", and is affected by City Codes 10-10A "Regional Commercial Zones (C-1, C-2, C-3)", 10-14 "Regulations Applicable to All Zones", 10-15 "Parking, Loading Space; Vehicle Traffic and Access", and 10-16 "Sign Regulations".

The proposed development parcel is located on the southeast corner of 900 West and Riverdale Road on property currently owned by H&P Investments. The property is in a C-3 zone and all uses listed in this zone (whether permitted or conditional) would be available for development and use on this lot. Per the applicant, the desired uses are retail convenience store and gas station.

Attached with this executive summary is a document entitled "Final Site Plan Review"; this is a supplementary document addressing items on the Preliminary Site Plan application document. Also attached, following this executive summary, are current comments from the Public Works Director, the Fire Chief, the Police Chief, and contracted City Engineer for the proposed Maverik project. Key concerns noted by the City Engineer are tied to onsite detention standards and requirements imposed by the State of Utah, access management to Riverdale Road per UDOT (Utah Department of Transportation) requirements, and UTA (Utah Transit Authority) bus signage replacement.

In addition to the Preliminary Site Plan documentation, a packet referencing the exterior building elevation design have been provided. The attached building renderings, materials summary, and landscaping have been reviewed by the City's Design Review Committee on April 29, 2016 wherein the Design Review Committee approved the submitted landscaping, materials, and overall aesthetics of the proposed structure.

Councilor Arnold asked who was in the Design Review Committee. Mr. Eggett explained the committee consists of the Mayor, the City Administrator, himself, the Public Works Director, the Building Official, and the Planning Commission Chair as designated by the City Code.

Councilor Arnold stated he is uncomfortable in approving the Maverik site plan because it does not meet the minimum standard of the Riverdale City landscaping ordinance. He didn't feel the minimum requirement in the landscaping ordinance provided an exception for speculation of future site plans. He discussed the option of relabeling the site plan to indicate phase one of the overall development and include the landscaping for the other phases to accurately represent the amount of landscaping for this parcel. As the Site Plan is currently displayed it does not meet the city ordinance.

City Attorney Steve Brooks stated if you look at this site plan as a piece in the overall development it may meet the ordinance. The landscaping ordinance pertains to the overall development, but Mr. Brooks agreed with Councilor Arnold that the entire site plan should be presented to the Council to show the accurate amount of landscaping. He explained this is one parcel that may have multiple site plans. Mr. Brooks explained H&P owns this parcel and will be presenting the overall site plan soon. Mr. Brooks discussed the option for the applicant to put money into escrow for the additional landscaping which could allow them to meet the intent of the landscaping ordinance if it is applied to this one portion. This would allow Maverik to move forward until H&P presents their Site Plan. Mr. Brooks explained this is a refurbished

development, which allows an option for an escrow for future landscaping as a means to meet the ordinance. He discussed other options in the City Code that allow for off-site landscaping.

Mr. Eggett stated his understanding is that H&P will be turning in their site plan tomorrow. Councilor Arnold reiterated that even if H&P turned in an application, they can only review what was presented at tonight's meeting and approve or deny based on the information presented. Mr. Brooks stated the Council could table this discussion to provide the applicant time to meet the ordinance.

Councilor Mitchell asked if the City had ever approved a phased site plan of an overall development. Mr. Brooks did not recall a specific project, but explained it would be doable. Mr. Eggett explained if H&P turned in their site plan in the morning it would be in the preliminary stage. It would take several weeks before the Council would see the overall site plan from H&P to complete their site plan review for their development.

Thomas Hunt, with Reeves and Associates, is the engineer for the Maverik Site Plan. He confirmed Maverik is providing 11.1 percent landscaping and H&P will be providing the rest. He explained Maverik has been in contact with H&P in developing the master site plan for this parcel and the two developments combined would exceed the Riverdale Ordinance. Maverik was just ready to move forward with construction before H&P was. Mr. Hunt felt that Maverik would do whatever they needed to do to keep this project moving forward. He stated the escrow would not be ideal, but if it meant the project could move forward they may explore that option. Mr. Brooks described the various landscaping options available to Maverik if they decided to make some changes to their site plan to meet the ordinance.

Councilor Hansen echoed the opinions expressed by Councilor Arnold. He felt they should not approve the site plan as it stands because it didn't meet the landscaping ordinance. Councilor Mitchell asked if there was a contingency option to approve this subject to the H&P site plan. Mr. Brooks stated he would advise reviewing the final plan for H&P if they were going to choose that option. Mr. Eggett added if the Council waited for the H&P site plan application it delay the Maverik application for at least 8 weeks. Mr. Brooks reiterated the escrow funds option to avoid delaying the Maverik project. Various options were discussed with an emphasis on how the site plan for Maverik could come into compliance with the landscaping ordinance.

Councilor Arnold stated he was not in favor of the current landscaping ordinance and expressed he would like to see the minimum requirement lowered. He discussed the importance of the landscaping ordinance and explained the purpose is to beautify Riverdale City. Councilor Griffiths expressed he was in favor of this site plan and would not wish to see it delayed.

Elizabeth Hunt, representative of Maverik, discussed the timeline of the Maverik Development with the H&P Development and the delays that have occurred. She stated they will review doing more landscaping and will also review the escrow option. She expects the H&P project to be submitted shortly. She stated as soon as the temporary access along 900 West is removed Maverik could turn that area into landscaping as well. Councilor Hansen asked how Maverik has met landscaping ordinances in other communities. Ms. Hunt discussed the issue of space for this specific development and indicated the footprint was smaller than other Maverik developments.

Councilor Arnold asked Ms. Hunt to describe the overall site plan including the H&P development. Ms. Hunt explained a lot of the landscaping is along the edge and around the building with planter islands. The general consensus of the Council was to table the discussion and allow Maverik time to reconfigure their site plan or do an escrow to meet the minimum landscaping ordinance.

There was a discussion regarding landscaping for the Maverik site plan with an emphasis on further exploring their options for landscaping with regards to the Riverdale City Ordinance. Mr. Eggett read a portion of the Riverdale City Ordinance found in Title 10 Chapter 14 Section 12 regarding refurbished landscaping. Mr. Eggett felt the applicant was attempting to meet the intent of the code.

MOTION: Councilor Hansen made a motion to table Final Site Plan for Maverik, Inc., 900 West Riverdale Road, Riverdale, Utah 84405. Councilor Ellis seconded the motion.

Mayor Searle invited discussion regarding the motion. There was not a discussion.

CALL THE QUESTION: Councilor Mitchell, Ellis, Hansen, Arnold voted in favor to table, Councilor Griffith voted in opposition. The motion passed with a majority vote.

b. Consideration of Resolution 2016-20 adopting a Development Agreement between Riverdale City and Maverik, Inc.

Mr. Brooks stated the City Council may want to table the resolution so that it may be approved at the same time as the site plan.

MOTION: Councilor Mitchell made a motion to table Resolution 2016-20 adopting a Development Agreement between Riverdale City and Maverik, Inc. Councilor Arnold seconded the

motion.

Mayor Searle invited discussion regarding the motion. There was not a discussion.

CALL THE QUESTION: The motion passed unanimously in favor.

H. Discretionary Items

Councilor Hansen inquired about a safe exchange zone for internet sales or child custody exchange etc. Mayor Searle stated this matter has been reviewed by the police department, specifically Police Chief Brenkman. The concern brought forth was the security cameras and a sign labeled "safe exchange zone" would provide people with a false sense of security. There was no way to guarantee a safe exchange, which could in turn create liability issues for the city. Councilor Arnold recommended the police department contact other cities that have this policy in place, such as Layton City, to view their policy and procedure. Mr. Brooks expressed the complication and limited number of police employees Riverdale has compared to larger cities, which in turn can create limitations on the evening shifts. Police Chief Brenkman reiterated the false sense of security people get from signs and/or security cameras. He felt best practice would be for an exchange to take place in a public place during business hours, such as a Wal-Mart.

Councilor Ellis complimented the city staff for their efforts and hard work for Old Glory Days. He stated there were a lot of positive comments from residents regarding that event.

I. Adjournment.

MOTION: Having no further business to discuss, Councilor Mitchell made a motion to adjourn. The motion was seconded by Councilor Arnold; all voted in favor. The meeting was adjourned at 7:06 PM.

Norm Searle, Mayor

Jackie Manning, City Recorder

Date Approved: **July 19, 2016**