

Minutes of the Regular Meeting of the Riverdale City Council held Tuesday, November 15, 2016, at 6:00 PM, at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

**Present:** City Council: Norm Searle, Mayor  
Braden Mitchell, Councilor  
Brent Ellis, Councilor  
Gary Griffiths, Councilor  
Alan Arnold, Councilor  
Cody Hansen, Councilor

City Employees: Rodger Worthen, City Administrator  
Steve Brooks, City Attorney  
Shawn Douglas, Public Works Director  
Scott Brenkman, Police Chief  
Rich Taylor, Community Services Director  
Cody Cardon, Business Administration/Treasurer  
Mike Eggett, Community Development  
Jackie Manning, City Recorder

Excused:

Visitors: Brian McDonald Trina McDonald Kristen Arnold  
Richard Capps Bryan Bearor Joy Bearor  
David Leahy Chuck Kerkvliet Laureen Laust  
Konel Banner Camille Gilmore Brent Coleman  
Gary Boatright Jr. Cedar Jordan Jane Hansen  
Hal Hayman Mike Davis Jane Hall  
Cody Deeter Dee Hansen Dee Ann Dickson  
Lori Fleming Marion Griffiths Curt Bloxham  
Steve Hinds Trina Hinds

**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. Mayor Searle reminded the members of the public to sign the roster of attendance.

**B. Pledge of Allegiance**

Mayor Searle invited Councilor Ellis 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.

Brian McDonald, 5264 S 1250 W, Riverdale, inquired about the rezone of Coleman Estates. He stated he had a list of questions:

1. Why is the road Coleman Lane only 50 feet wide when all other roads in the nearest subdivision are 60 feet wide?
2. How is the width of the road measured? Does the measurement begin on the property line or in the middle of the street?
3. Will any residential property be reduced to make room for curb, gutter, sidewalk?
4. Referring to the public hearing that was held on October 25, 2016 during the Planning Commission Meeting, it was stated that the developers would be placing the curb, gutter and sidewalk along Ritter Drive, would the residents also be burdened with this installation as well?

Trina McDonald, 5264 S 1250 W, Riverdale, expressed concerns regarding infrastructure. She referred to the Weber County Disaster Mitigation Plan from 2015 and stated the report indicates only one of the three wells in Riverdale City is operable. She stated [in reference to that report] one well has poor [water] quality and the other well needs equipment upgrades. She stated this report identified a need for a redundant water source, with a need for a feasibility study for a new well location with a time frame of completion in 2016. She asked for an update regarding that issue, because the new subdivision homes will require water.

Mrs. McDonald referred again to the Weber County Disaster Mitigation Plan from 2015 and stated Riverdale City's Storm Drain Master Plan needed to be upgraded, but no time frame was established for that initiative. She stated Roy City upgraded their storm drains along 1900 West, but she has not seen anything upgraded in Riverdale City. She asked for a status update for the Storm Drain Master Plan and asked how this new development would impact that plan.

Mrs. McDonald expressed concern regarding emergency management. It was her understanding that Riverdale City did not have an Emergency Management Plan. She expressed the need to establish an emergency management plan and indicated this new development would also impact that plan.

Mrs. McDonald asked if a traffic study would be performed to help mitigate the anticipated traffic increase. Mrs. McDonald stated her property line extends to the middle of Coleman Lane (1250 West). She asked if there had been a property survey performed for Coleman Lane, and if so she wanted the information accessible to the residents.

Mrs. McDonald inquired about the set-backs and property square footage for the new proposed subdivisions.

Mayor Searle informed the public Riverdale City does have an Emergency Management Plan and he is working with City Staff to update said plan.

Rodger Worthen, City Administrator, asked to address some of the concerns expressed. Mr. Worthen stated all questions pertaining to subdivision and roadway design (including curb, gutter and sidewalk) will be addressed at a future meeting when the applicant presents his site plan application. The public will have the opportunity to ask any infrastructure questions or design questions at that time. Mr. Worthen explained rezone applications deal with land use only.

Jane Hansen, 1314 W 5450 S, Riverdale states she owns a business in Riverdale on 5175 South. Ms. Hansen discussed a school bus stop located at 1345 West Ritter Drive, and explained she had children that would use this bus stop. She discussed the dangers associated with vehicles at that bus stop location, specifically vehicles rolling down the hill. She stated through her efforts in working with the School District she was successful in convincing them to relocate the bus stop further down the road on 1345 West. She referred to the conceptual design presented by the applicants for the Coleman Rezone and referred to the proposed four way stop at 1345 West Ritter Drive. She expressed concern regarding safety if a four way stop was placed in that location. She provided safety hazard examples and did not feel vehicles would be able to stop in time.

Ms. Hansen referred to the Planning Commission meeting which was held on October 25, 2016 and indicated her questions were not answered during the public hearing on that date. She asked what impact this new proposed subdivision would have on Ritter Drive. She indicated with the amount of homes being proposed, and with the top of Ritter Drive being a one-way street she questioned whether or not Ritter Drive could handle additional traffic. She explained there were existing traffic issues along Ritter Drive and asked the City how they were going to mitigate those issues. She discussed her daily commute in relation to driving past the new business developments located at the Riverdale Business Park, such as Bravo Arts Academy and discussed the high traffic volumes of that area.

Ms. Hansen felt if the new homes were developed in this area, the existing neighborhood would be negatively impacted. She felt the Council should take this information into consideration.

Jane Hall, 1265 W 5175 S, Riverdale, explained her back yard abuts the Coleman Property. Ms. Hall stated she will express a concern that she formerly expressed at the Planning Commission Meeting on October 25, 2016 regarding the Coleman Property rezone. She asked that the city be respectful to residents that own property surrounding any new proposed development by sending a letter of notification regarding such developments. She explained she doesn't always view the City Website on a daily basis.

Ms. Hall felt the rezone sign, which was placed on the Coleman Property, was too small to be seen. She suggested the City review larger sign options that contain more information regarding any proposed rezone.

Ms. Hall expressed concern regarding the density of the proposed R-1-6 Residential zone and stated she didn't feel this was a good property size for that area. She asked the Council if they would consider a rezone to R-1-8 or R-1-10 in lieu of the R-1-6 zone. She asked the City to consider the neighbors who live in the area near the Coleman Property, especially in relation to the aforementioned infrastructure concerns expressed by prior residents. She discussed water pressure issues and provided the example of a person taking a shower, while someone within the same household flushes the toilet and discussed the impacts of water pressure.

Camille Gilmore, 1245 W 5050 S, Riverdale, stated she attended the Planning Commission Meeting on October 25, 2016. She explained she knew there would be a new subdivision on the Coleman Property. She asked that R-1-8 be considered in lieu of the R-1-6 zone. She explained she reviewed Planning Commission Meeting Minutes from 1994 to 1996 for 45 minutes to review property rezoning requests. She stated every rezone request during that time frame was for an R-1-8 zone.

Ms. Gilmore asked why the Planning Commissioners voted on an action item, when they did not have a full

attendance of the Planning Commissioners. She stated the rezone should not have been voted on until all members of the Planning Commission were in attendance. She was unsure as to why the City Attorney was not present for the Planning Commission Meeting. During the Planning Commission meeting she stated Mike Eggett, the Community Development Director, reminded the public that this rezone request was a separate discussion from that of Ritter Drive. Ms. Gilmore disagreed and expressed she felt the discussions were connected. Ms. Gilmore informed the Council the Planning Commissioner who seconded the vote for this rezone [Commissioner Robert Wingfield] did not speak during the meeting, so she felt Commissioner Wingfield should not have voted for this rezone.

Ms. Gilmore stated Riverdale City is not a farm country, and declared she didn't want to live in a farm country. Ms. Gilmore further explained she did not want to live in a City similar to Park City where the homes are in close proximity. She felt 50 homes were too many to be placed on the Coleman Property and asked the City Council to reconsider the amount of anticipated homes for that area.

Curt Bloxham, 5278 S 1250 W, Riverdale, felt his property was being negatively impacted by the proposed development of the Coleman Property. Mr. Bloxham asked if the proposed road would be wide enough to accommodate emergency vehicles and service vehicles, such as garbage trucks. He asked about the purpose of closing a portion of Ritter Drive. He stated he did not want to live on a dead end road. He informed the Council that he has been a resident of Riverdale City for 30 years, and this is his first complaint to the City. Mr. Bloxham expressed concern regarding the width of Ritter Drive and also the single lane towards the end of Ritter Drive. He echoed the comments made by prior residents.

Mayor Searle explained to the public, that all questions pertaining to road design, such as road width, will be addressed during the site plan review should this property get developed. At that time the site plan will be reviewed by each department, specifically the fire department and public works department to ensure safety and adequacy of the road.

Trina Hinds, 1318 W 5400 S, Riverdale, stated she is a school bus driver and as such felt that the location of the four way stop, as seen on the concept design plan, would not be a safe location. She felt vehicles would slide down the hill, especially during the winter when there is ice on the roads.

Ms. Hinds cautioned the Council in regards to reopening Ritter Drive and expressed safety concerns due to increase of traffic. She explained drivers do not always stop for buses. She stated she understood that there would be homes built on the Coleman property, but asked if the Council would review safety options. She discussed children darting in the road, as they wait for the school bus. She discussed the danger that poses to the children with the increase of traffic.

Bryan Bearor, 5101 S 1225 W, Riverdale, stated this is his first time attending a Council meeting. Mr. Bearor inquired about storm drainage and water pressure. He asked what the impact a new subdivision would have on sewage.

Konel Banner, 638 W 4275 S, Riverdale, stated he wanted this development to move forward because he would like to build in the new subdivision. He stated he would like to stay in Riverdale City. He expressed he understood all the outstanding questions pertaining to road width, design, and infrastructure would be addressed by the City.

Marion Griffiths, 1345 W 5352 S, Riverdale, stated she wanted Konel Banner as a neighbor, but in a new subdivision with 25-30 homes [in lieu of the amount currently seen on the conceptual design]. Mrs. Griffiths felt road issues should be addressed prior to any new development.

Mrs. Griffiths stated 50 new homes would mean an additional 120 to 150 new vehicles for that area. She didn't feel the city could accommodate the vehicle addition for that area. She expressed she wanted an R-1-8 or R-1-10 residential zone for the Coleman Property. She stated she knew the Coleman Property would be developed, but reminded the Council to review the impact a new development would have on the existing neighborhood.

Gary Boatright Jr., 5185 S 1200 W, Riverdale, stated he was not opposed to the new development. He explained he has lived in Riverdale City for his entire life, and has known that the Coleman Property would eventually be developed. He asked that the Council consider zoning consistency and stated the R-1-6 zone would be inconsistent for that area. He stated he enjoys the community and felt 48 new additional homes is too many homes. He felt the Council should consider long term the impact of having too many homes added to that area.

Richard Copps, the realtor representing the Coleman Family Property, stated he has worked with the Coleman Family for approximately two years. He stated prior to placing the property on the market Mr. Copps received phone calls from prospective buyers/developers who expressed interest in developing multi-family housing on this property. He stated he has worked closely with Mike Eggett in reviewing the Riverdale City Master Plan in relation to this property.

Mr. Copps explained the R-1-6 would accommodate for topography and elevation variations of the Coleman property. He stated only 7 to 9 homes would be R-1-6 lot size minimums. He felt the average lot size would be between 7,500 and 8,500 square feet.

Mr. Copps discussed the existing developments surrounding the Coleman property such as, the Pinebrook subdivision and the commercial developments. Mr. Copps asked Mr. Eggett to explain R-1-5 zoning. Mr. Eggett explained R-1-5 is high density, multi-family zone. He provided examples of R-1-5 located within Riverdale City, such as Valley West

Apartments and Cherry Creek Apartments.

Mr. Copps referred to the Weber County Assessors website, and stated 70 percent of the properties along Ritter Drive are zoned R-1-5, with a few properties zoned R-1-10 and the remaining as Agriculture. He reiterated only a few lots would be 6,000 square feet in the developers proposal.

Mr. Copps asked the audience if there were any residents who lived along Ritter Drive in attendance and several audience members provided verbal confirmation. Mr. Copps then asked the audience if they knew what their properties were zoned. Several answers were shouted out by audience members, such as A-1 Agriculture and R-1-10 Residential and R-2 Residential. Councilor Arnold referred to the zoning map displayed in the Council Chambers and estimated 95 percent of the zoning was A-1 Agriculture for that area. Mr. Copps explained he retrieved his information from the Weber County Assessors website and wondered if the County made a mistake with their zoning designations.

Mr. Worthen asked Mr. Copps to direct his comments to the Council. Mr. Copps stated he didn't feel the R-1-6 zoning was that different, than that of the existing surrounding properties within that area.

Sterling Bennion, 5495 S 1200 W, Riverdale, stated he has lived in Riverdale City for 30 years. He discussed the development of a prior subdivision in that area and he discussed prior comments made the developers at the time. He indicated those developers also claimed their subdivision wouldn't impact Ritter Drive.

Mr. Bennion did not believe Ritter Drive met the City Ordinance, [pertaining to the road infrastructure and width.] He felt the City has avoided road improvements on Ritter Drive due to the cost. He felt walking along Ritter Drive was dangerous and an additional 50 homes would add to the danger. He didn't feel Ritter Drive could sustain more traffic. He felt Ritter Drive should be addressed prior to any rezone.

Mayor Searle explained the rules and procedures pertaining to votes at Planning Commission Meetings, specifically pertaining to attendance and quorums. Mayor Searle explained the Planning Commission is a volunteer body from the community that makes recommendations to City Council. The Planning Commissioners are responsible for reviewing the city ordinances and general plan when reviewing applications, such as a rezone request. The ultimate decision is made by the City Council.

Mayor Searle discussed the general plan and emphasized the importance of public participation when changes are made as it dictates the future of Riverdale City. The Coleman property is designated as residential on the general plan.

Mayor Searle stated the City Council is concerned with Ritter Drive as well. He explained the Council has elected to set aside \$100 thousand dollars per year, from proposition one money, for the next several years for road improvements to Ritter Drive. Mayor Searle explained, should the new subdivision be developed it will add curb, gutter, and sidewalk to Ritter Drive and will also widen the road. He explained the Assisted Living Project located at the west end of Ritter Drive would also add curb, gutter, and sidewalk and widen the road.

Sterling Bennion asked to speak again and was granted permission. Mr. Bennion felt that it would take another 30 years for road improvements to be completed along Ritter Drive, if only \$100 thousand was set aside for improvements. Mayor Searle explained the Contracted City Engineer, Scott Nelson, has reviewed Ritter Drive and felt a lot of improvements could be done with that proposed amount. Mr. Bennion asked if the added sidewalks, curb, gutter etc would bring Ritter Drive "up to code". Mayor Searle responded that it is the City's intent to bring Ritter Drive into compliance with the City Ordinance. Mr. Bennion stated he would like to see Ritter Drive fixed before any additional traffic is added. He felt the City was delaying Ritter Drive road improvements. He stated the city allows the addition of 50 new homes, without updating Ritter Drive, and someone gets hit by a vehicle on that road then the City will be sued.

Trina McDonald asked to speak again and was granted permission. She stated if only 7 homes within the development are R-1-6, she felt it wouldn't impact the developers to modify their plans to accommodate the R-1-8 zoning. Mayor Searle explained the developers estimate the R-1-8 zone would reduce the amount of homes proposed for that subdivision by only 5 or 6 homes.

## **E. Presentations and Reports**

### **1. Mayors Report**

Mayor Searle thanked everyone who helped with the Veterans Day Ceremony. He felt it was a nice tribute to Veterans.

### **2. City Administration Report**

Mr. Worthen invited questions regarding staff reports. He discussed the ongoing enforcement of the handicap parking spaces and commended Randy Koger, the Code Enforcement Officer, in his efforts pertaining to that enforcement. Mr. Worthen recognized all the staff anniversaries and briefly mentioned the compliance of the staffing authorization plan. He discussed the sales tax revenue and noted the increase for 2016. He referred to ambulance

revenue noted it's increase due to billing procedure improvements.

**F. Consent Items**

**1. Review of Meeting Minutes for City Council Meeting held on November 1, 2016 Regular Meeting and Work Session and Joint Strategic Planning Meeting held on September 27, 2016.**

Mayor Searle asked for any changes to City Council Meeting minutes. There were no corrections/changes requested.

**MOTION:** Councilor Mitchell moved to approve the consent items as proposed. Councilor Ellis seconded the motion. There was not any discussion regarding this motion. The motion passed unanimously in favor of approving the meeting minutes.

**G. Action Items**

**1. Consideration and Discussion to Accept the Financial Audit for Fiscal Year 2015-2016, as performed by Christen, Palmer & Ambrose.**

Jeff Ambrose, Attorney for Christen, Palmer & Ambrose, presented the June 2016 financial statement report. He specifically thanked Cody Cardon, the Business Administrator/City Treasurer, for his hard work and his accounting abilities.

Mr. Ambrose referred to the following reports: Independent Auditor Report, Internal Control and Compliance Report, and the State Compliance Report which all showed an "unmodified opinion", which he explained is the "cleanest opinion that can be given by an auditor."

Mr. Ambrose referred to the financial revenue break down for the General Fund. Mr. Ambrose explained the majority of funding comes from sales taxes.

Mr. Ambrose referred to the Governmental Fund Expenditures, which includes the General Fund, Redevelopment Agency, and Capital Projects Fund. He explained the largest expenditure is public safety, which accounts for the Fire Department and Police Department.

Mr. Ambrose referred to the various governmental fund balances and explained restricted and assigned fund balances, such as Class C roads. He stated the general fund, for the last 4 years has stayed fairly consistent, which is partly dictated by the maximum percentage of the fund balance allowed to be maintained by the State of Utah.

Mr. Ambrose invited questions. Councilor Hansen asked about the number of cities Mr. Ambrose audits and asked how Riverdale City compared in regards to performance. Mr. Ambrose responded 4 cities, with his firm auditing a total of 7. He responded Riverdale City is towards the top in performance. Mr. Ambrose informed the public that Riverdale City is one of the few cities that does not charge franchise taxes to the residents.

**MOTION:** Councilor Arnold moved to accept the Financial Audit for Fiscal Year 2015-2016, as performed by Christen, Palmer & Ambrose. Councilor Griffiths seconded the motion.

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

**ROLL CALL VOTE:** The motion passed unanimously of accepting the audit report.

**2. Consideration and Discussion of Resolution 2016-26, Adopting a K-9 Handler Agreement.**

Scott Brenkman, Police Chief, summarized the executive summary which explained:

This Memorandum of Understanding is made between Riverdale City and Canine Officer Joe McBride to establish and clarify responsibilities between the city and canine officer. The city has always entered into MOU's with the canine officer establishing compensation for care and canine maintenance. This MOU establishes an amount of 10 hours per month to be paid to Officer McBride for his off duty time spent on these duties. All other overtime worked, such as extending shifts, extra shifts, training with the canine or call outs, will be paid under the normal overtime guidelines established by federal, state, and local law. This MOU also establishes the city's responsibility for food, supplies, veterinary care, cost of the kennel at the officer's residence and other associated expenses that are not directly related to the day to day care of the canine. Chief Brenkman discussed the dogs training and felt the animal was doing well.

Councilor Griffiths asked if this was common standard among other city police departments. Chief Brenkman confirmed it was. There was a brief discussion regarding the canine compensation in relation to the amount of hours of training for canine dogs.

**MOTION:** Councilor Arnold made a motion to approve Resolution 2016-26, a Memorandum of Understanding Agreement with the Canine Officer for the Police Canine services and

responsibilities with Riverdale City. Councilor Mitchell seconded the motion.

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

**ROLL CALL VOTE:** Councilor Mitchell, Arnold, Hansen, Griffiths, Ellis all voted in favor of Resolution 2016-26.

**3. Consideration and Discussion of Resolution 2016-27, Fee Schedule Amendment pertaining to the Park Pavilion Rentals.**

Rich Taylor, Community Services Director, summarized an executive summary which explained:

The City has received complaints during the pavilion rental season about garbage and the general messiness of the pavilion, particularly from the second renters of the day. In looking at options to address these complaints Mr. Taylor determined changes to the fee schedule may allow for better service to the customers. Attached are two proposals as well as fee comparisons from surrounding communities.

The first proposal would allow one rental per day and raise the fee slightly to bring in the same amount of revenue. The second proposal would continue with two rentals per day, but would adjust the time frame so that city staff could empty the garbage in between the two reservations.

Councilor Hansen asked how often the pavilions were double booked. Mr. Taylor explained 25 percent of the days pavilion one is rented, it is double booked. Mr. Taylor explained the pavilions are predominantly used on the weekends, with few bookings on the week days. Mr. Taylor further explained that sometimes the double booking is by the same customer/pavilion renter.

Councilor Hansen expressed concern regarding limited parking at the parks with pavilions. He didn't feel the best solution would be to eliminate double bookings. He asked if City Staff could work harder to clean up garbage in between bookings. Mr. Taylor discussed the difficulty of increasing the level of service due to the limited staffing on the weekends. Mr. Taylor referred to the second proposal which would allow for double bookings, but give more time in between pavilion rentals to allow staff more time to clean up the pavilion in between reservations.

There was a discussion regarding double reservations for the park pavilions with an emphasis on City Staff cleaning up in between reservations and dealing with squatters. Mr. Taylor explained that in the circumstance where the first reservation party does not leave after their allotted time slot, generally the second reservation party works it out without staff involvement. He further explained in the instance that the parties are unable to resolve any conflict there is a number listed at the pavilion for the parties to call (police dispatch).

Shawn Douglas, Public Works Director, explained often times parties will remain in the park after their allotted time slot because it is public property. This can make it difficult for staff to properly clean up the pavilion if there are large groups of people still using the pavilion. There are 6 pavilions and if all of them are booked, then that does not give staff (one employee) enough time to properly clean up every pavilion in the hour time frame between reservations. Councilor Hansen asked if the departments could work together to allow for more staff to be available to clean. Mr. Taylor and Mr. Douglas explained the limited staffing on the weekends and the additional cost the city would incur to pay for additional staff members to be present on the weekends. Councilor Arnold encouraged the city staff to review the weekends where the pavilions are double booked and have additional staffing for those weekends. Mr. Taylor discussed the second proposed option to be considered to allow for double reservations, but also more time in between reservations to allow staff proper time to clean the pavilions.

Mr. Worthen explained the pavilion clean-up is more than changing garbage bags, he provided the example of excess food and trash on and under the tables. He discussed the difficulty of cleaning a pavilion when there are a lot of people still remaining at the pavilion. Mr. Worthen discussed a resident survey performed in Orem City involving parks, and one of the top recommendations by Orem residents was an emphasis on wanting cleaner parks. Mr. Worthen asked the Council to consider the second option to allow more time in between reservations. Mayor Searle stated he has witnessed city staff cleaning the pavilions and noted the amount of work that goes into cleaning the pavilions.

Councilor Mitchell asked if there was a way to determine how many pavilion rentals are residents. Mr. Taylor stated in fiscal year 2016, pavilion one was rented 85 times, with 68 being residents and 17 non-residents. He provided additional examples of the other pavilions. Mr. Taylor discussed the different fee amounts in relation to residential rates versus non-residential rental rates.

Councilor Hansen stated his family has rented several pavilions throughout the year and felt there needed to be a better solution than what was proposed. Councilor Arnold suggested tabling this item to explore other solutions.

**MOTION:** Councilor Arnold made a motion to table the discussion of Resolution 2016-27, Fee Schedule Amendment pertaining to the Park Pavilion Rentals. Councilor Griffiths seconded the motion.

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

**CALL THE QUESTION:** All voted unanimously in favor of tabling the discussion for Resolution 2016-27.

Mr. Douglas asked if this topic could be brought before the Council soon, because reservation season is approaching. Councilor Arnold directed City staff to bring this item back on December 6, 2016 meeting. Mr. Douglas asked what information the Council needs to consider this item. Councilor Hansen asked the staff to present another option, with a bigger buffer in between reservations and more cooperation in between the departments. Mr. Taylor referred to the second option presented in relation to the buffer.

**4. Consideration of Rezone request for properties located approximately 1378 West Ritter Drive, from Agricultural Zone (A-1) to Single-Family Residential Zone (R-1-6).**

Mike Eggett, the Community Development Director, summarized an executive summary which explained: American Landmark Group LLC, the petitioner in this matter, is requesting a rezone of properties located at approximately 1378 West Ritter Drive from the current Agricultural (A-1) zone to a proposed Single-Family Residential (R-1-6) zoning to allow for potential future subdivision development opportunities for these properties. Additionally, there is a small parcel of property on the corner of Ritter Drive and 1500 West that is owned by Riverdale City and is proposed to be included with this rezone request. This request is for approximately 10.29 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 was noticed and held on October 25, 2016 during a Planning Commission meeting to receive and consider public comment on the proposed amendment to the zoning map. At the conclusion of the public hearing and following additional conversation by the Planning Commission, a motion was approved by the body to recommend to the City Council approval of the rezone request for R-1-6 with additional consideration of the R-1-8 zoning designation by the City Council for the proposed properties.

Title 10 Ordinance Guidelines (Code Reference)

This rezone request is regulated under City Code 10-5 "Rezone Requests" and is affected by City Codes 10-8 "Agricultural Zones (A-1)" and 10-10-9B "Single-Family Residential Zones (R-1-10, R-1-8, R-1-6, R-1-4.5)".

The petitioner's properties are currently listed in the County Records under the ownership of Howard C Coleman Family Trust, Howards Land LLC, and Riverdale City. These Coleman Family properties are currently being utilized as agricultural and has been operating in this fashion for many years. At current time the zoning is compatible with the current use on the site.

American Landmark Group has entered into a purchase agreement with the Coleman Family for the properties affected by this petition. American Landmark Group representatives have indicated that the group's intent for the properties is to potentially subdivide the properties into single-family residential lots that could be accessible from 1500 West, Ritter Drive, and 1250 West respectively. The appropriate application and supporting documentation have been submitted and provided to the Planning Commission and City Council for review (please see attached documentation for more).

This request for rezone appears to be in agreement with the General Plan for this location as this property is established in the General Plan Land Use section as Residential – Low Density.

Councilor Hansen asked about the General Plan, specifically Area 3 regarding single family residential designation, and asked where it listed single family residential as low density. Mr. Eggett discussed the general plan map and explained R-1-6 residential and moderate family residential. He further explained that the R-1-6 would qualify as single family residential.

Councilor Hansen asked about right-of-ways along Coleman Lane. Mr. Douglas confirmed the property lines vary along Coleman Lane. He explained it is pretty common with older subdivisions in Riverdale City to have varying property lines. Mr. Douglas discussed the 50 width road accesses and the allowances within the code; he provided the example of the Mitchell Farms Subdivision.

Councilor Ellis expressed appreciation for the comments given by the residents. He stated he has been contacted by residents who have expressed concern regarding density, and the overall safety issues of Ritter Drive. He felt that the more road improvements made to Ritter Drive, would only encourage more traffic. He provided the example of Riverdale Road. He suggested that the zoning be R-1-8 Residential to mitigate the impact on the existing neighborhood.

Councilor Griffiths expressed concern for the developers, and referred to a neighboring development, located across the street from Motor Vu Drive Inn, that was zoned R-1-6 and took approximately 5 years to develop. He did not feel there was a market in Riverdale City for the R-1-6 zone. He didn't want to rezone the area and then not have the development

be built. He asked about mixed zoning options for the Coleman property to lock in only a smaller portion of the land R-1-6. Hal Hayman, with American Landmark Group, felt a mixed zoning option would be feasible. He discussed the difficulty in topography as well as road widths which dictate the need for a few smaller homes. He stated the American Land Group would be building the homes and as such has done extensive market studies. He further declared the American Landmark Group would not invest millions of dollars on subdivision they weren't anticipating being successful.

Mr. Hayman referred to the conceptual drawing packet and noted that both Coleman Lane and Ritter Drive would need to be widened with this subdivision development. He discussed the process of lot sizes and design in conjunction with retention ponds, which could result in reducing the number of lots. There was a brief discussion regarding 1345 West in relation to phasing one and lot size. Mr. Hayman stated they wanted to work with the City. Mr. Hayman discussed the land grading as it relates to the roads and phasing.

Councilor Arnold felt there were questions asked by Planning Commissioners during the October 25, 2016 meeting which remained unanswered; and he commended Commissioner Fleming and Commissioner Roubinet for voting in opposition to this rezone request.

Councilor Arnold reminded the City Staff that Riverdale City is an entity and as such should have filed a separate application for the city's portion of the rezone request. He recommended city staff put their rezone request on a future agenda with a separate rezone application, as well as a map showing the proposed rezone portion. Councilor Arnold referred to a past application for town homes which would have been located [5175 S 1500 W] at the now Riverdale Business Park. Councilor Arnold stated at the time of the town home application he was told by the Public Works Director, Shawn Douglas, that the sewers would not support 60 additional town homes. Mr. Douglas clarified that at that time the town home applicants were asked to perform a sewer study. Mr. Douglas also disclosed that Mr. Hayman has been made aware he may need to do a split sewer in that area. Mr. Douglas stated the City Staff has better information now, than they did at the time of the town home application.

Councilor Arnold stated Ritter Drive is the collective road for Riverdale City and discussed the small road widths. Councilor Arnold discussed four houses zoned R-1-6 located near Motor Vu Drive Inn, and discussed the slow process for housing sales for R-1-6 zones. Councilor Arnold discussed the need for road improvements for Ritter Drive and Coleman Lane. Councilor Arnold stated he didn't like the cul-de-sac as seen on the conceptual plan and discussed the traffic difficulty it could impose. Councilor Arnold discussed 1345 West in regards to the proposed four-way stop and/or roundabout as seen on the conceptual design and expressed it would not work.

Councilor Arnold stated the majority of lot sizes, 34 lots, were less than 8,000 square feet. He explained the surrounding zones are R-1-10 and R-1-8. Councilor Arnold didn't feel that the road widths for this area could be built to meet the city ordinance.

Councilor Arnold referred to the traffic speed data [performed on Ritter Drive], as given by the police department, which showed the average speed of 23.5 miles per hour along Ritter Drive. He questioned the results of the data.

Councilor Arnold referred to lots 1 and 42 as listed on the conceptual drawing located along 1345 West. He stated if those homes are built, cars that slide down the hill could potentially wreck into someone's home. He discussed it as a safety hazard. He discussed the possibility of R-1-8 zoning in lieu of what the applicants requested.

Councilor Griffiths discussed his prior term serving on the Council and felt his greatest accomplishment was preventing a subdivision development, which Councilor Griffiths felt wouldn't work. He explained the Council saved the developer time and money. He stated he lives on 1345 West and discussed the accidents he has witnessed along Ritter Drive. He felt Ritter Drive was the key to the success of this development. He didn't feel there was a market for R-1-6 zoning in that area.

**MOTION:** Councilor Griffiths made a motion to table the discussion for the rezone request, to give the applicants additional time to address the issues for this development.

There was a discussion regarding the options of the City Council in relation to tabling, denying, or approving. The motion died due to lack of second. There was clarification that the rezone application excluded the City's property portion, which would be on a separate future application.

Councilor Hansen stated the need to discuss the zoning application in relation to land use. He briefly discussed the rights of property owners and felt a zoning of R-1-8 would be reasonable and would be in harmony with the General Plan. Councilor Arnold agreed and emphasized the importance of safety reviews should there be a site plan application.

Councilor Hansen asked if road widths were an issue during the site plan application, would the City Council have the authority to suggest changes based on safety issues. Mr. Worthen felt they would. Mr. Worthen discussed the process regarding design review standards.

**MOTION:** Councilor Hansen made a motion to approve rezone request for properties located approximately 1378 West Ritter Drive, with the exception that the zone be changed from

Agricultural Zone (A-1) to Single-Family Residential Zone (R-1-8) in lieu of the requested (R-1-6). Councilor Arnold seconded the motion.

Mayor Searle asked the applicants if they consented to the proposed R-1-8 zone. Mr. Hayman consented. Mr. Hayman briefly discussed the development process in relation to zoning.

City Attorney Steve Brooks asked if the land owner was present and also consented to the change in the rezone. Mr. Worthen further explained the rezone would impact the existing land owners property taxes. The applicants and property owner asked for a few minutes to discuss the feasibility of the R-1-8 zone.

Richard Copps asked if he could make another comment regarding the application, and was granted additional time to speak. Mr. Copps referred to the four homes zoned R-1-6 (located near Motor Vu Drive Inn). He stated he is a friend of the real estate agent, Randy Wilson, for those properties. He stated one of the reasons the properties struggled to sell, was due to the fact that buyers could not find the homes. He stated now that the market has increased in Riverdale he felt these homes would sell quickly. Mr. Copps discussed other developments throughout Riverdale and explained the value of building in Riverdale in relation to the supply and demand. He felt the applicants had a good product to sell. Mr. Copps discussed the various developer interests he has received for the Coleman Property. Mayor Searle reminded the Council of the exiting motion. Mr. Hayman returned to the meeting and asked if this request could be tabled to allow them additional time to ensure the new zone would work for their development.

**MOTION:** Councilor Hansen modified his previous motion, to table discussion to allow applicant additional time to review the option of the R-1-8 zone. Councilor Griffiths seconded the motion.

There was no discussion regarding this motion.

**CALL THE QUESTION:** The motion carried unanimously in favor of tabling the rezone request.

**Discretionary Items**

There were no discretionary items.

**H. Adjournment.**

**MOTION:** Having no further business to discuss, Councilor Mitchell made a motion to adjourn. The motion was seconded by Councilor Ellis; all voted in favor. The meeting was adjourned at 8:00 PM.

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Norm Searle, Mayor

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Jackie Manning, City Recorder

Date Approved: **December 6, 2016**