

Minutes of the Regular Meeting of the Riverdale City Planning Commission held Tuesday, June 27, 2017, at 6:30 p.m., at the Civic Center, 4600 S Weber River Dr., Riverdale City, Weber County, Utah.

**Present:**

**Commissioners:** Steve Hilton, Chairman  
Blair Jones, Vice-Chair  
David Gailey, Commissioner  
Kathy Eskelsen, Commissioner  
Lori Fleming, Commissioner  
Robert Wingfield, Commissioner  
Gary Boatright, Commissioner

**City Employees:** Rodger Worthen, City Administrator  
Steve Brooks, City Attorney  
Jackie Manning, City Recorder

**Excused:** Mike Eggett, Community Development

**Visitors:** Howard Dickson                      Dee Ann Dickson                      Janet Deschamp

There were others present who did not sign in.

#### **A. Welcome & Roll Call**

The Planning Commission meeting began at 6:33 p.m. Chairman Hilton welcomed everyone to the meeting and stated for the record that all members of the Planning Commission were present. It was noted Mike Eggett, in Community Development, was excused and Rodger Worthen, the City Administrator, would be presenting on his behalf.

#### **B. Open Communications**

Chairman Hilton asked if there were any open communications and there weren't.

#### **C. Presentations and Reports**

Chairman Hilton turned the time over to Mr. Worthen who reported the following:

- Habit Burger now open.
- Hobby Lobby will be opening soon.
- Target remodel is almost complete and will have a grand re-opening.
- Tuesday Morning will have a grand opening on July 11, 2017.
- Wing Stop, MOD Pizza, and El Pollo Loco will be opening soon in the Riverdale Town Square.

#### **D. Consent Items**

##### **1. Consideration of meeting minutes from the Planning Commission Meeting held on June 13, 2017.**

Chairman Hilton asked for changes or corrections to the Planning Commission meeting minutes for the June 13, 2017 Work Session and Regular Meeting. There were no changes requested.

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

There was no discussion regarding this motion.

**CALL THE QUESTION:** The motion passed unanimously in favor.

#### **E. Action Items**

##### **1. a. Public Hearing: to receive and consider public comment regarding a rezone request from Josh Yeates, regarding property located at approximately 1526 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay.)**

Mr. Worthen summarized an executive summary which explained:

Josh Yeates, the petitioner in this matter, is requesting a rezone of three properties located at approximately 1526 and 1528 West Ritter Drive from the current Agricultural (A-1) zone to a proposed Low-Impact Transition Overlay (LIT) zoning to allow for potential future development opportunities for these properties. This request is for approximately 1.92 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

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scheduled to receive and consider public comment on the proposed amendment to the zoning map. Following the public hearing, the Planning Commission may make 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 10-8 "Agricultural Zones (A-1)" and 10-13D. "Low-Impact Transition Overlay Zone (LIT, misrepresented in the Code as C-L)".

The petitioner's properties are currently listed in the County Records under the ownership of L. Leon Poulsen Trust ½ etal. The Poulsen Trust properties are currently being utilized as two residential and agricultural use properties and have been operating in this fashion for many years. At current time, the agricultural zoning is compatible with the current use on the site.

Josh Yeates and Delyn Yeates have entered into a purchase agreement with the Poulsens for the properties affected by this petition. Josh and Delyn Yeates have indicated that the group's intent for the properties is to potentially develop the properties for an assisted living facility, an independent living senior facility, or a hybrid of assisted living and independent living senior facility that could be accessible from Ritter Drive and likely connected to the already approved Riverdale Assisted Living Center just west of these properties.

This rezone request is not in agreement with the General Plan for this location as this property is recommended in the General Plan Land Use section to be Residential – Low Density.

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.

Chairman Hilton opened the public hearing.

Janet Deschamp, 1425 Ritter Drive, Riverdale, Utah, expressed concern regarding the safety of Ritter Drive. She didn't want to see the top portion re-opened. She discussed the potential future developments such as the Coleman Subdivision and the Assisted Living Facility and expressed concern regarding an increase in traffic. She stated she would like to see street issues along Ritter Drive addressed before anymore developments are approved.

Dee Anne Dickson, did not give her address, but is a Riverdale City resident, stated she has the same concerns as Ms. Deschamp. Mrs. Dickson explained she has lived on Ritter Drive for 60 years and her spouse has lived on Ritter Drive for 80 years. She stated in that time frame Ritter Drive has never been widened. When she originally moved to Riverdale, Ritter Drive was more of a country road, as there were only 3 houses along Ritter Drive at the time. She stated she loves the Wheelers and the Poulsens and would love to see them sell their property, but she felt the infrastructure needs of the roads needed to be addressed prior to any further development. She didn't feel Ritter Drive was large enough to accommodate the traffic added by surrounding developments. She provided the example of the nearest school, which made it difficult to leave her driveway first thing in the morning and in the early afternoon. Mrs. Dickson discussed the new developments occurring throughout Riverdale City, such as Hobby Lobby, and she felt that neighboring cities would use Ritter Drive to access those new businesses versus driving on Riverdale Road. Mrs. Dickson felt the sewer, water, and road conditions needed to be considered before re-opening Ritter Drive and allowing more development. Mrs. Dickson discussed the power poles along Ritter Drive that would need to be moved prior to development occurring. She stated her husband once worked for the power company, so she knew that was not an easy task to complete. She thanked the Planning Commission for their time.

Mr. Worthen stated he received 2 emails from residents, which he read for the record. The emails are copied verbatim below:

"My name has is mike davis I live at 1175 w Ritter dr. I had other obligations tonight however I wanted to express my concerns for the record on this matter. I realize when a new development is brought up or implemented on this side of town we are told it has nothing to do with Ritter dr, I do not have any problem with the new development however the last few developments lhm, Harley Davidson the arts building and the academy school all of which we were told would be good neighbors has had a direct unfavorable impact on the neighborhood and particularly on Ritter dr. It's disappointing to me that those that are on the planning commission, city council or hold other city offices that either live on the other side of town or not in this town at all can have such a strong impact or opinion on what is best for this neighborhood. I question if this was going on in your own neighborhood if you would be so eager to push it through? I'm now hearing the road may be opened after many years of discussions and a possible round about for what I was told in the last meeting as a calming measure. It seems the city is more interested in bringing in more traffic than listening to the residence that have chosen to live here pay taxes and raise their families. Growth is great however if this development means traffic that cannot be channeled onto riverdale road which has had millions of dollars in upgrades then I am opposed to this development. Mike Davis"

" June 27, 2017  
Re: Rezone request for 1526/1560 Ritter Dr.  
To: City Planning Commission/ City Council

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We are writing this letter with concern over the rezone requests for 1526/1560 Ritter Drive. It is our understanding that the request has been submitted by the same Person/Company that owns and is developing the property located at 1580 Ritter Dr.

We have read and researched the information online regarding LIT (Low-Impact Transition Overlay) zoning and understand that this could be the right fit for this property if constructed and laid out in a way that would have the least impact to the neighborhood. Our biggest concerns at this point are:

### 1. Ritter Drive.

- The traffic and safety of this road has been an issue for MANY years and has yet to have a solution. The one-way traffic at the west end has helped but this was implemented as a "temporary" solution at the time and nothing further has been done. We fear that with businesses moving in directly on Ritter Drive that they will push to have the west end of the street reopened to have easier access and we will be back at square one. This has been a constant concern for all residents and we feel like it continues to be put on the "back burner" as the city continues to allow businesses and to move in all around us. We also have the 30-40 new homes already being built on the Coleman property on Ritter Drive and have no idea yet of what the impact this will have on the traffic and congestion.

### 2. Site Plan

- It is hard to envision what this would look like without some kind of site plan to look at. Nobody wants to be looking at a two story business out their front window instead of a view of the entire valley. This could also have a large impact on property value for us depending on how the site is laid out. It may have been easier to envision what the developer is thinking if he had taken the time to come around and explain to the neighbors what was going on instead of leaving it up to the community members to do the research on their own.
- What kind of business or businesses would the city allow to be constructed? The zoning has a variety of businesses that it would allow. Would they be allowed to build 2 story senior living?
- Would they be required to put in curb, gutter, and sidewalk? Would the road be widened by 10 feet like the other development on Ritter Drive?

### 3. Property Maintenance

- As a side note, if this property is taken over by the same company that is developing 1580 Ritter Dr. will we be required to watch it be overgrown and neglected for years before any kind of construction begins? The property at 1580 has been an eye sore for this street and it would be sad to see the same thing happen to this large area of property as well.

We understand that change, growth, and development is part of moving forward. We are just trying to look out for the future of our neighborhood, the homes that we have created here, and the people and children of our community. Is this the right option? What kind of impact will this create? Can we get some answers and address some of these concerns BEFORE a decision is made?

Thank you.

Ben and Melissa Carey  
1471 Ritter Dr.  
And  
Janet Deschamp  
1425 Ritter Dr."

Chairman Hilton expressed appreciation for all of the public comments.

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

### **b. Consideration to forward recommendation to City Council regarding a rezone request from Josh Yeates, regarding property located at approximately 1526 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay.)**

Mr. Worthen explained Riverdale City staff and City Councilmembers are aware of the concerns and infrastructure needs/road improvements for Ritter Drive. As such, the City has been actively budgeting for road improvements. Improvements will be made to Ritter Drive as a result of the developments occurring. The City intends to finish the remaining of the road improvements in the near future. He felt the road improvements would help make Ritter Drive safer.

Mr. Worthen discussed the different land uses surrounding Ritter Drive, such as businesses, schools, and residences. Mr. Worthen felt the LIT zone would be a good buffer to transition the businesses into the residential area.

Steve Brooks, the City Attorney, agreed that Ritter Drive is a concern, but cautioned the discussion regarding Ritter

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Drive as it is not formerly on the agenda. Mr. Brooks discussed the rights of landowners in relation to State Code. He advised the Planning Commissioners to review the rezone application in relation to the Riverdale City Code and make the decision as to whether the LIT zone would meet the Riverdale City Ordinance.

Commissioner Boatright discussed the LIT zone and noted the intent, as listed in the Riverdale City Ordinance, was to minimize traffic on public streets, and asked if that was one of the elements the Commission could consider in relation to the rezone application. Mr. Brooks explained without a traffic study it would be difficult to prove how a specific zone would impact traffic. A traffic study isn't required until the land is actually developed.

Chairman Hilton discussed the LIT zone and the intended Assisted Living Facility and stated he felt it would be a good buffer for the neighborhood.

**MOTION:** Commissioner Jones moved to forward a favorable recommendation to the City Council regarding the rezone requested by Josh Yeates, for property located at approximately 1526 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay.) Commissioner Wingfield seconded the motion.

There was no discussion regarding this motion.

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

### **2. a. Public Hearing: to receive and consider public comment regarding a rezone request from Josh Yeates, regarding property located at approximately 1560 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay.)**

Mr. Worthen summarized an executive summary which explained:

Josh Yeates, the petitioner in this matter, is requesting a rezone of four properties and a portion of one additional property located at approximately 1560 West Ritter Drive from the current Agricultural (A-1) zone to a proposed Low-Impact Transition Overlay (LIT) zoning to allow for potential future development opportunities for these properties. This request is for approximately 1.5 acres (only the agricultural zoned portion of parcel 08-106-0003 is being rezoned; the CP-3 zoned area will remain as currently established) 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 make 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 10-8 "Agricultural Zones (A-1)" and 10-13D. "Low-Impact Transition Overlay Zone (LIT, misrepresented in the Code as C-L)".

The petitioner's properties are currently listed in the County Records under the ownership of G. Lynn Wheeler and Lenna V. Wheeler. The Wheeler properties are currently being utilized as residential and agricultural use properties and have been operating in this fashion for many years. At current time, the agricultural zoning is compatible with the current use on the site.

Josh Yeates and Delyn Yeates have entered into a purchase agreement with the Wheelers for the properties affected by this petition. Josh and Delyn Yeates have indicated that the group's intent for the properties is to potentially develop the properties for an assisted living facility, an independent living senior facility, or a hybrid of assisted living and independent living senior facility that could be accessible from Ritter Drive and likely connected in some fashion to the already approved Riverdale Assisted Living Center to the west of these properties.

This request for rezone is not in agreement with the General Plan for this location as this property is recommended in the General Plan Land Use section to be Residential – Low Density.

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.

Chairman Hilton opened the public hearing.

Dee Anne Dickson, did not provide her address, but is a Riverdale City resident, stated she is concerned about the traffic on Ritter Drive. She felt it needed to be addressed.

Mr. Worthen explained the City is budgeting for road improvements to Ritter Drive, which should help mitigate some

of the traffic issues.

Commissioner Gailey explained the Planning Commission is only considering the rezone at tonight's meeting. He further explained in the future when the applicants present their site plan application, the Commission will then be able to address infrastructure and road concerns.

**MOTION:** Commissioner Wingfield made a motion to close the public hearing. Commissioner Boatright seconded the motion; and all voted in favor.

**b. Consideration to forward recommendation to City Council regarding rezone request from Josh Yeates, regarding property located at approximately 1560 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay.)**

There was no additional discussion regarding this item.

**MOTION:** Commissioner Wingfield moved to forward a favorable recommendation to the City Council for the rezone requested by Josh Yeates, regarding property located approximately 1560 West Ritter Drive, Riverdale, Utah 84405, zone change from A-1 (Agricultural) to LIT (Low-Impact Transition Overlay.) Commissioner Eskelsen seconded the motion.

There was no discussion regarding this motion.

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

**F. Discretionary Items**

Commissioner Fleming asked the City Attorney if he received the video she sent regarding the teenagers controlling traffic at the top of Ritter Drive. Mr. Brooks confirmed he submitted her comments to the police chief, Scott Brenkman.

Commissioner Fleming discussed parking congestion along 1500 West and felt it was a safety concern. Commissioner Fleming also discussed the school, Good Foundation, and expressed safety concerns during drop-off and pick-up hours for the students therein. Mr. Worthen discussed the difficulty of mitigating the congestion, as they are public streets, so parking along the street is allowed. He stated it may be something to discuss with the school administration.

Chairman Hilton complimented the City Staff in their flood preparation.

**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 7:13 p.m.

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Steve Hilton  
Planning Commission Chair

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Jackie Manning  
City Recorder

Date Approved: **July 11, 2017**