

Minutes of the **Joint Meeting** of the **Riverdale City Council and Planning Commission** held Tuesday, **January 24, 2006** at 5:03 p.m. at the Riverdale Civic Center, 4600 South Weber River Drive, Riverdale, Utah.

City Council

Members Present: Mayor Burrows Councilor Gibby
 Councilor Griffiths Councilor Haws
 Councilor Jenkins Councilor Peterson

Planning Commission

Members Present: Don Farr, Chair Don Hunt
 Allen Miller Norm Searle
 Kathy Tanner

Member Excused: Bart Stevens

Others Present: Larry Hansen, City Administrator
 Jan Ukena, City Planner
 Cindi Mansell, City Recorder
 Michelle Douglas, Planning Commission Secretary
 Nancy Brough

Mayor Pro-Tem Gibby called the meeting to order and welcomed all those in attendance. He indicated that Mayor Burrows would attend the meeting as soon possible. He asked Chair Farr to explain the position of the Planning Commission.

Chair Farr noted that the member of the Planning Commission that really wanted the joint meeting is not in attendance at this time. He went on to explain one of the primary reasons for the meeting is there are discrepancies between the City Council and the Planning Commission regarding what is in the best interest for the General Plan. He went on to say he would like to turn the time over to Mrs. Ukena and have her go over each area that the Planning Commission has reviewed and discuss each area with the City Council.

Mrs. Ukena presented the City Council and Planning Commission with the current Land Use Master Plan and the proposed amended map. The first area she addressed was the new areas that have been added within the City's corporate limits that have not been addressed by the City's General Plan due to two boundary adjustments with Ogden City. Mrs. Ukena informed the City Council that the Planning Commission has proposed to make part of the area in question low-density residential because it is already in a residential subdivision; and the other part, which is the top part, open space because it is the City's property and it is the property being utilized as the City's trailhead.

Discussion followed regarding Area 1, which is the property owned by the Gibby family. Mrs. Ukena informed the Commission that there were not a lot of changes made; in addition, the Commission did not make any proposed changes to the America First property. Mr. Hansen indicated that the area in question has been adopted as an RDA Area and asked that the area be referred to as the West Bench. Mrs. Ukena pointed out that Area 1 is currently designated as Commercial, Hotel Node/Business Park/Light Industrial. She noted that the Planning Commission felt the Mixed-Use zone would be a good designation instead of "hard-core commercial", residential or manufacturing.

In addition, the Planning Commission also thought Mixed-Use would be a good designation for Area 3, which is across the street (1500 West). Area 3 is currently designated as Hotel, High Rise Condominiums, and Landmark Development.

Mrs. Ukena went on to explain the Planning Commission also recommended Mixed-Use for Area 2, which is across Riverdale Road (the Cinedome area). She informed the Council the property is currently zoned commercial and the General Plan has multiple designations: Residential, Planned Commercial, Professional Office, and Commercial/Office/Business Park. She noted that the area has apartments on one side with office complexes and single-family dwellings on the other side.

Mrs. Ukena indicated that she thought the area could be a nice area for condominiums or a developer could come in for a strip mall. Mrs. Ukena reminded the Council that straight commercial does not allow residential uses. In addition, she recalled that Mr. Crowley came before the Planning Commission once before with a plan for 28 patio homes; however, there are individuals that have come into the office proposing 100 homes, which would not be acceptable. She reiterated that she and the Planning Commission felt the Mixed-Use zone would be a good use for Area 2.

Discussion followed regarding Area 9, which is the Office Park area behind Sam's Club. She noted that the area has been vacant for a while and office park areas are hard to develop unless you have someone to develop it. Mrs. Ukena informed the Council that the Planning Commission evaluated the area, and they liked the concept of the office park, but they do not think it will work. However, they do believe the concept of the Mixed-Use would work. She proposed the idea of some residential units along the river; some offices and restaurants in the area; and some commercial along River Park drive.

Mrs. Ukena informed the Council another area, which was a difficult area to work with, was Area 8. Area 8 is basically between the proposed 550 West road and 300 West. The Area has multiple designations; 300 West sits above the area and is slated to become a 4-lane street in February/March 2006; Riverdale Road should, at some time, become a six-lane road; and there is a nice hillside to work with as well.

Mrs. Ukena informed the Council the Planning Commission did not think a residential use would be a good use. Council Gibby added that the apartments are getting shabby. Mrs. Ukena indicated that the Planning Commission thought the entire area would be a good commercial development and should be designated as such.

Mayor Burrows arrived at this time. (5:35 p.m.)

Mrs. Ukena said the area that is giving everyone the most concern is the area between 4400 South and 4450 South between 700 West and 900 West, which is Area 7. She recalled that the area went back and forth between the two bodies and was discussed multiple times. Mrs. Ukena went on to say the Planning Commission previously recommend that the area be designated as Mixed-Use and their recommendation is still Mixed-Use for Area 7 from 4450 South to the established demarcation line.

Councilor Gibby clarified that currently the area is commercial to 4450 South; in addition, there are a few area past 4450 South, which are commercial as well. Mrs. Ukena indicated that is correct; she added that they would not be rezoning any property. They are just proposing to amend the General Plan. Mrs. Ukena indicated that she would suggest amending the entire section to Mixed-Use because she would make it residential all the way up to 4400 South.

Councilor Gibby explained the concern the City Council had regarding Area 7 and incorporating the Mixed-Use zone. He stated the Council is worried about commercial squalor and the homes on the north side would not be worth anything. He went on to say they (the developers) would want to go commercial past that point (4400 South). In addition, they have the same concern with the Cinedome area and the homes in that area. Councilor Gibby said they do not want to slowly loose their residential areas and become taken over by commercial.

Councilor Jenkins suggested they put a different spin on the scenario and think about what the Planning Commission discussed regarding the Mixed-Used zone in Area 7. She said with housing on 4400 South with a buffer, she questioned what it would cost for someone to buy a lot, demolish the existing home and build a new home. She asked Chair Farr if he thought someone could buy something nicer than the previous proposed suggestion. Or, they could look at the whole area as one development.

Discussion briefly followed regarding an area in Ogden City on 25th Street, which allows "live/work" type units, which are little condominiums. The units are designed to accommodate living space upstairs and some type of shopping or professional use downstairs. It was pointed out that some of the property owners in Area 7 would like to sell their property, some of the properties are not occupied, and most are not owner-occupied. Commissioner Hunt indicated that he was not sure if he would like to draw a line in the sand.

Councilor Gibby pointed out there are areas in Salt Lake City and Ogden City that are just like 4400 South that are still viable and if the City is not careful it will become less and less residential and more commercial.

Mrs. Ukena indicated the City's existing Master Plan is not a bad document. It appears to her all the City's issues seem to be where the two areas buffer. She went on to say the Cinedome area has a natural hillside that buffers the two sides. Councilor Gibby clarified that the recommendation for the Cinedome area was Mixed-Use and the uses in the Mixed-Use zone are all conditional. Mrs. Ukena acknowledged that was correct.

Mrs. Ukena referenced back to the meeting when the Council approved the Mixed-Use ordinance. She said at that time, she should have been more forward when they were proposing the list of uses within the Ordinance and the Council removed the proposed list of uses when they approved the Ordinance. She indicated that she believes the list of uses should be in the Mixed-Use zone. She went on to propose a situation, which could occur if there were no list of approved uses. She suggested that a petitioner could propose a use that would be totally unacceptable to the City and the City would have to allow the use with a list of conditions. She noted that she should have never allowed that to happen.

Councilor Jenkins said she had the list of conditional uses, and she concurred that the list should be incorporated into the Ordinance. She went on to refer to the signage in the Mixed-Use Ordinance. She stated that the Ordinance allows a sign to be so big; she questioned if anyone has looked at how the signage would work in both the residential and commercial areas.

Councilor Jenkins commented that they were recommending an update to the City's General Plan, which is based a lot on the Mixed-Used zone, and the City has never tried the Mixed-Use zone. She questioned if they wanted to move forward with the amendments. Mrs. Ukena noted they are just a Master Plan change. She referred to the Unity development, and pointed out that the City would have a developer's agreement. She added that the City would be ahead of Unity with fixing the Master Plan now; in addition, they would be ahead of any application that would come in after that fact.

Mrs. Ukena stated that she believes the Mixed-Use zone would be a good thing to use to buffer areas. Commissioner Tanner indicated that she agrees but when they get the bugs worked out. She believes it would be premature to amend the City's General Plan to something the City has not fixed.

Mrs. Ukena reiterated that she believes the Mixed-Use zone is a good thing and the Master Plan is just a plan. The zoning is the document.

Commissioner Tanner referred to Page 47 of *A Utah Citizen's Guide - Land Use Regulation - How it works and how to work it*. "The general plan does not control with an iron hand the land use decisions that a community makes, but also it is not mere window dressing. If the local decision-makers ignore a clear directive from the plan, their decision may be more effectively challenged as arbitrary and capricious."

Councilor Jenkins clarified that with the Unity development, which the proposed re-zoning is part Mixed-Use, the City has the option right now for the development to be under a developer's agreement. Mrs. Ukena acknowledged that was correct; however, the development would not come close to following the Mixed-Use Ordinance. The development will be what the Council has directed Staff to do in regards to the developer's agreement; hopefully, the agreement will be the document the Council wants.

Councilor Gibby indicated there needs to be a purpose to the Mixed-Use Ordinance; he stated it is a guiding document. Councilor Gibby suggest that some of the language be changed to indicated that "uses may be allowed" (instead of shall) because some uses may work in one particular area and may not work in another area, which is a problem that he sees.

Councilor Jenkins referred to the Mixed-Used Ordinance. She mentioned that she thought the commercial could be enforced; however, the residential could not. As she reviewed the Ordinance, she pointed out that the standards were outlined for commercial developments but are not specified for residential developments. It was suggested that the residential standards should be better defined.

Councilor Haws inquired if the Land Use Master Plan was only being updated, or would they be going through each section of the General Plan and updating what it says as well. Mayor Burrows

indicated that they would be updating the language as well eventually. Mrs. Ukena added right now they are just trying to see if the Mixed-Use will work in the proposed areas.

Mrs. Ukena referred to the Unity Property; she explained it was the Planning Commission's recommendation to amend the *General Plan* and designated the area as Mixed-Use. Councilor Haws pointed out that the area in question has not been rezoned yet; the Council tabled the rezone in lieu of a developer's agreement. He questioned what would happen if the area came in contrary to what it was suppose to be; what if the City has already amended the *General Plan*?

Mrs. Ukena stated the City Council did not have to amend the area; they did not have to amend everything the Planning Commission recommended. The recommendation was forwarded to the City Council from the Planning Commission and they make the final decision.

Councilor Jenkins expressed concern that the Planning Commission made a recommendation to the City Council and the two bodies have not had a joint meeting to discuss the proposed amendments. She went on to say the Council asked for a joint meeting several times and referred to a motion made during the City Council's March 1, 2005, regular meeting, which read:

Councilor Jenkins moved to schedule a Strategic Joint Meeting at the earliest time possible to come back and address the issue to move forward on a mixed-use ordinance or a compromise which can then be incorporated into the *General Plan* updates; to direct staff to continue to work on this at the earliest given point; either mixed-use or modification. Councilor Hadden seconded the motion. The motion passed unanimously.

The minutes went on to read:

Mr. Hansen stated the earliest point to schedule a meeting would be August, unless there is the need for something additional.

Chair Farr stated that was the concern with Commission Tanner as well; we haven't sat down as a joint body to discuss the amendments. He indicated that was why the Planning Commission made their motion the way they did; there are some areas they need to discuss.

Mayor Burrows indicated they were supposed to meet in August, and he doesn't know why this did not take place.

Councilor Griffiths stated he was pleased they are here now to talk about this. He questioned if there was a deadline. Mrs. Ukena informed the Council the *General Plan* amendments are in their "ballpark" now; as far as she knows, there is no deadline - the motion was made (by the Planning Commission).

Mayor Burrows reiterated the Council is not under any deadline. The Planning Commission made a recommendation to the City Council. He went on to say he was uncomfortable that they are at this point where the Planning Commission made a recommendation without having a joint meeting with the City Council. Commissioner Hunt added when there is very little public input, it is difficult to make a decision.

Councilor Jenkins noted the way it worked before, when the City amended the General Plan, there was more interaction with the public. The City still have residents that have a say and they have not been brought into the process. She went on to say people were concerned. She inquired how they improve that if they don't get people into the dialogue and never get heard.

Mrs. Ukena informed the Council out of all the changes in Senate Bill 60, the General Plan got changed the most. She noted that short of mailing out a personal letter, Staff had to satisfy a lot of requirements per State Code for the City to conduct the public hearing.

Councilor Gibby commented that he realized Staff couldn't send a letter to everyone; however, Staff could notify every resident on every side of 4400 South. Mrs. Ukena said she appreciated that; however, what she is looking at is the legal ramifications. If the City notifies these property owners, other property owners might want to know why they were not notified. Councilor Gibby questioned why property owners within a certain distance couldn't be noticed. Mrs. Ukena clarified that Councilor Gibby wanted to notice Master Plan amendments like a rezone. It was acknowledged that was correct. Mrs. Ukena added that there is nothing that says the City Council cannot conduct a public hearing as well.

Commissioner Searle commented there are residents within the City that are concerned about certain things, and he expressed there are things that should be in the newsletter. Mrs. Ukena stated that she agreed; however, the Planning Commission meets two times a month and the newsletter only comes out once a month.

Mayor Burrows suggested that they utilized the same "charette" process they utilized when the Heritage Study was conducted; that they include the City Council, the Planning Commission and anyone that wants to be involved; and they have public input as they look at the various General Plan areas for review. Councilor Jenkins concurred with Mayor Burrows; stating, "I vote that we work smarter not harder."

With no further comments forth coming at this time, Councilor Gibby moved to adjourn the joint meeting. Commissioner Miller seconded the motion. The motion passed unanimously. The meeting adjourned at approximately 6:00 p.m.

Attest:

Approved: February 21, 2006

Michelle Douglas
Planning Commission Secretary

Bruce Burrows, Mayor