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Minutes of the **Work Session** of the **Riverdale City Council and Planning Commission** held Tuesday, **April 25, 2006** at 7:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

City Council Members Present:

Bruce Burrows, Mayor  
David Gibby, Councilor  
Gary Griffiths, Councilor  
Stacey Haws, Councilor  
Shelly Jenkins, Councilor  
Doug Peterson, Councilor

Planning Commission Members Present:

Don Farr, Chairman  
Don Hunt, Member  
Norm Searle, Member  
Allen Miller, Member

Others Present: Larry Hansen, Chief Administrative Officer; Randy Daily, Community Development Director; Jan Ukena, City Planner; Stevin Brooks, City Attorney; Marilyn Hansen, City Recorder; other city staff and approximately 20 citizens.

Mayor Burrows welcomed everyone to the meeting. He noted that Planning Commission members Kathy Tanner, Bart Stevens and David Coles were not present as well as Councilor Haws who will be arriving shortly.

Mayor Burrows explained that this meeting is a joint work session with City Council and the Planning Commission to go over the General Plan and review the document. As this was not a public hearing, comment cards were made available for the audience to write down their comments. These cards were then to be handed to either Mr. Daily or Ms. Ukena. Mayor Burrows indicated that Town Meetings will be held in the future pertaining to the General Plan update which will give the citizens the opportunity to be heard. Mayor Burrows noted that the Planning Commission has met and made recommendations to the City Council. This meeting is to gain an understanding and consensus on their recommendations regarding the General Plan Update and ensure that they are doing what is best for the community.

Mayor Burrows reminded everyone that due to new State legislation, this meeting is being recorded.

Jan Ukena, City Planner, noted that the General Plan is a guide to what the City Leaders, Commissioners and Staff think the City might look like in the future. The goal is to keep residential in one place, commercial in another, along with mixed use zones. Ms. Ukena explained that a mixed use zone is a blend of residential and commercial.

### **AREA 1, 2 & 3**

Ms. Ukena referred to this area as the “Cinedome” area, or the west bench area. The Planning Commission is recommending changing all three of these areas to mixed use. She indicated that a study was done indicating that mixed use would work best for this area.

Councilor Haws arrived at 7:47 pm.

Mayor Burrows asked the Councilmembers for questions or comments about the recommendations from the Planning Commission on Areas 1, 2 and 3.

A general discussion was held. Randy Daily noted that this area is in an RDA and that is desirable to have a mixed use zone in an RDA area. Councilor Gibby reminded those present that even if it is zoned mixed use, the area could still be 100% commercial and subject to approval of the conditional use. If a developer came up with a plan that meets the mixed use zoning, the Planning Commission, Staff and the City Council must still approve it. He felt it was a good designation for that area. Commissioner Don Hunt explained that the Planning Commission felt that the mixed use zoning would preserve residential in those areas while still allowing commercial development without encroaching on the residents. Councilor Jenkins asked that they look at the area with an overlay of the Herridge map and see how they blend and work together. She said that if they feel that it is congruent with this plan then they should probably adopt that map.

**Mayor Burrows asked if there was consensus to change Areas 1, 2, and 3 to Mixed Use. The City Council reached unanimous consensus.**

### **AREA 8 – 500 WEST**

Ms. Ukena reported that this area is currently zoned residential and commercial. The Planning Commission is recommending that this area be zoned all commercial and eliminate the residential zoning.

Mayor Burrows discussed that if this area is zoned commercial that the City doesn't plan to displace anyone currently living in Area 8. The residents can stay there as long as they like or until someone makes them a reasonable offer. He reminded those present that it is not being rezoned and that the General Plan is a document that guides the City and is not set in stone. Ms. Ukena noted that this area is in a Redevelopment Area.

Mayor Burrows reported that this is a difficult area to develop due to the steep hillside, a lot of water, and developers would need to meet stringent guidelines to make it work for them. He discussed that the City hopes that this whole piece of property will be served by 550 West with a signalized intersection that would run parallel to 300 West into that property. Residents would have access to a signalized intersection to turn left or right on to Riverdale road.

Randy Daily, Planning Director, felt that how the road lines up and affects this area, as well as showing a no-build area that continues along the slope and 300 West should be addressed in the General Plan. A discussion was held as to general outline of the road and the no-build zone. Commissioner Hunt asked about trails in the area. Mr. Daily replied that Council had decided

not to run a trail through this area, but are looking for another desirable area for a trail. Councilor Jenkins discussed whether the City wants to have a master planned road in this area or let a developer decide where the road should go based on the development's needs. Mr. Daily noted that the road was stubbed for a purpose to continue it to some point. It can be left up to development, or if we envision something that is a possibility for the road, to include it in the General Plan. Councilor Jenkins noted that because of the springs and degree of the hillside, there are only going to be one or two options in that development area to connect 300 West. She felt that the road should be delineated and didn't feel that development can guide as there are only a few feasible options.

Mayor Burrows addressed that the General Plan can be modified and that there is a transportation section of the plan that would have to encompass this road. He emphasized that the important part is getting something on paper so the guidelines are there for the future.

Mayor Burrows reiterated the items Council felt that need to be addressed with Area 8 are: Delineate all of the hillside as no-build and establish a basic alignment for the road. Commissioner Hunt noted that the approval for Ruby River included a road and asked if that could be used.

**Mayor Burrows asked if there was consensus to change Area 8 to commercial, taking into account delineating the entire hillside as no-build and establishing road alignment. The City Council reached unanimous consensus.**

#### **OFFICE PARK AREA - RIVER PARK DRIVE**

Ms. Ukena explained that this area is behind Walmart and Sams Club near the two roundabouts on River Park Drive. It is currently zoned office park and the Planning Commission is recommending changing this zoning to mixed use in the General Plan. This would give the area more flexibility and allow commercial, retail and residential.

A general discussion followed. Councilor Peterson asked if the owners are actively trying to lease the land for an office park. Ms. Ukena replied that there are signs advertising the area for lease, but that an office park is the hardest thing to bring in. Councilor Gibby felt that mixed use was a good use for this property. He stated that it would allow a developer to be creative with this property and that the close proximity to the river could be a benefit for retail or residential. He also reminded the Council that mixed use is conditional and requires their approval. Councilor Griffiths stated that the citizen survey had indicated that the trail in this area was in disrepair and needed to be upgraded and perhaps if more attention was given to that piece of the trail system, it would make it more attractive for office businesses. Councilor Haws stated that if a developer came in with a project they could ask for the property to be re-zoned mixed use at that time. He said the zoning could stay the way it is and an overlay could be done.

Commissioner Hunt noted that this property has sat dormant for a long time. The Planning Commission is recommending to change the zoning to mixed use to stimulate creativity and to protect the aesthetics of the area and make it valuable. Councilor Jenkins discussed that the office park ordinance does have some flexibility to allow limited retail. Mayor Burrows indicated that any retail must be incidental to office use. Councilor Jenkins suggested that the office park ordinance be looked at and see what possible changes could be to it instead of

changing to mixed use and bringing in more commercial. She felt that by leaving the zoning office park, there could still be creativity and it could be developed with an overlay. Councilor Peterson asked if lease rates were higher for retail space than for office park or medical offices. It was stated that lease rates for medical offices or office space were lower than for retail as there is more demand for retail space. Commissioner Farr mentioned there are many uses that could be served in this area other than office park that the river would attract, such as owner-condos and retail.

Mayor Burrows discussed that it appears the Council wants to consider two options for this area. 1) Go along with the Planning Commission recommendation to designate the area as mixed use or 2) re-visit the office park ordinance and revise it.

**Mayor called for consensus on option 1. Councilor Griffiths and Councilor Gibby agreed. Mayor called for consensus on option 2. Councilor Haws, Councilor Jenkins and Councilor Peterson agreed. There was consensus to re-visit the office park ordinance and revise it.**

## **AREA 7**

Ms. Ukena reported that this area is a piece of land that sits between commercial and residential and is listed as a low impact transition zone, which means there shall be no noise impact on surrounding residential areas. It is currently zoned commercial and the Planning Commission is recommending mixed use.

Councilor Gibby noted that the Council wanted everything north of blue line to remain residential and that some of the areas below the blue line were already commercial. For those areas not zoned commercial, mixed use would be an ideal designation. Councilor Jenkins discussed that the Planning Commission originally presented mixed use up to 4400 and Council said No. They wanted commercial only, not even mixed use to be allowed up to 4400. She stated that Council wanted commercial only up to the line of demarcation and then no commercial would be allowed in the residential area, but mixed use would be allowed on the other side. Commissioner Farr reported that the Planning Commission sent their recommendation to the Council and Council sent it back with three options. Finally mixed use was accepted.

**Mayor Burrows asked if there was consensus to change Area 7 south of the blue line to mixed use. The City Council reached unanimous consensus.**

Commissioner Searle commented that some of the homes are very nice but there are quite a few that are vacant and deteriorating in this area. He also discussed putting up a berm and landscaping from 900 to 700 and possibly having offices set back with trees and shrubs to make the area look nice and not so commercial. Councilor Jenkins noted that it is a concern of Council to keep this area residential and maybe a residential overlay or inward type development that doesn't face 4400. Councilor Haws discussed that the line is 127 feet in one area and 230 feet in another area and that was done because of property lines. He said where the line is isn't as important as the fact that there is a line that separates residential from mixed use in this area.

## **UNITY PROPERTY –AREA 9**

Ms. Ukena reported that this area has been zoned agricultural due to the fact that there hasn't been access. The owners of this property are now proposing putting in access with bridges and agricultural is no longer the best use for this area. The Planning Commission is recommending to preserve the river area as agricultural and the City property to remain open space, but change the rest to mixed use.

Mayor Burrows noted that the City wanted to purchase this land to use it as part of our parks system, but the City was outbid by the developers. Councilor Gibby felt that zoning this area mixed use gave the City control of the development as the developer would have to come before Council for approval of any uses. Councilor Jenkins cautioned the Council on feeling that they can control the development with conditional use. She said that the law is looking very firmly at City Councils and Planning Commissions to be reasonable with their conditions. Commissioner Allen Miller noted that mixed use does give the City more bargaining leverage as conditional use, instead of the developer dictating to the City what they are going to do. Commissioner Searle indicated that if he voted again on the zone change, that he wouldn't vote to change it to mixed use. He said the residents in the area want it kept the same and that he has concerns with wildlife and safety hazards with trains and the flood plain.

Mayor Burrows discussed that in the citizen survey last year, there was a question regarding purchasing property to prohibit development. He explained that to prohibit any development of a private individuals rights, the City would have to buy out their rights by purchasing the property. According to the survey, the citizens didn't want the City to proceed with purchasing property to prohibit development. Larry Hansen, City Administrator, responded that this land had been appraised several years ago, to determine if this could be a potential issue on a general obligation bond and to determine possible acquisition costs. There is potential for playfields and some limited amenities, while preserving some of the open space and keeping it for community use. Based on the survey, the citizens wanted the trail system to be completed along the river from the north end of the city to the south end, but they didn't want the City to prohibit development by purchasing land. With regard to property owners and their rights, this property owner has followed the proper procedure to petition for this use. He stated that it appears that there currently isn't the ability or political will to acquire this area, but to guide what happens with this property to satisfy the broader needs of the community and have some reasonable development that will fit into an amendment to the General Plan and complete the trail.

Mayor Burrows indicated that he is personally in favor of keeping this area for the use of the City, but also represents those citizens who spoke to them through the survey. Without some overwhelming form of documentation that there has been a change of attitude from the citizens, they are here tonight to discuss this area as proposed to them by the Planning Commission and make a decision. Mayor Burrows reminded the Council they can leave the zoning as is or amend the zoning.

Mr. Hansen noted that the Planning Commission has made their recommendation to the City Council and they agreed in principle. He discussed that they are actively working on a Developer's Agreement to bring before the Council for this property and that needs to be dealt with in good faith.

Councilor Jenkins expressed her opinion that there are areas of higher sensitive value for wildlife and habitat that could remain even if development happened. She wants to protect the river corridor with the trail and heavily wooded area and protect the wildlife in this area. Ms. Ukena discussed that this concern is being addressed in the Developer's Agreement. Mayor Burrows stated that the recommendation has been to go with mixed use zoning because of the controls that are in place along with the Developer's Agreement to control development in this area. Councilor Peterson said he has heard both sides and initially the loudest voices were to leave the land open. He also wishes that the city could have purchased the land, but reiterated that the property owner has the right to do certain things with this property. He is hopeful that by making this area mixed use and the potential development goes in, we can retain some of this land for trails and preserve some of the wooded areas.

Councilor Haws stated that he felt comfortable delaying any decision on this item until the City Council had a Developer's Agreement. This would allow the Council to see how the developer plans to develop this property and what kinds of conditions they are both willing to accept. Councilor Jenkins concurred.

Mayor Burrows noted that the draft Developer's Agreement will be on the May 2, 2006 City Council Agenda for consideration and if the Developer's Agreement is ratified, then the Council could consider the request to change the zoning of this area in the General Plan to mixed use; or the Council could come to consensus tonight to move forward with the Planning Commission recommendation to change the zoning to mixed use.

Mr. Hansen indicated that staff's recommendation is to bring the draft Developer's Agreement before Council on May 2, 2006 and also agendaize the issue of changing the zoning in the master plan to mixed use. If the Developer's Agreement is unacceptable, then the zoning item could be tabled.

**Mayor Burrows asked for consensus to not change the General Plan of the Undefined Area until the Developer's Agreement is considered by Council. The City Council reached unanimous consensus.**

There being no further business to come before the Council at this time, the meeting adjourned at 9:26 p.m.

Attest:

Approved: May 16, 2006

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Marilyn Hansen, City Recorder

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Bruce Burrows, Mayor