



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **May 08, 2007** at 6:30 pm at the Riverdale Civic Center, 4600 South Weber Drive.

Members Present:

Don Farr, Chairman
David Gailey, Member
Don Hunt, Member
Norm Searle, Member
Kathy Tanner, Member

Members Excused:

Bart Stevens, Member

Members Absent:

Allen Miller, Member

Others Present:

Larry Hansen, City Administrator
Randy Daily, Community Development Director
Jan Ukena, City Planner
Marie Alvord, Planning Commission Secretary
Approximately one (1) Citizen

1. CALL TO ORDER

Chairman Farr called the meeting to order and welcomed all those in attendance. He acknowledged that Commissioner Stevens and Commissioner Miller were not present.

2. CONSIDERATION OF APPROVAL OF THE MEETING MINUTES

No comments or questions were made at this time.

Motion: Commissioner Tanner made a motion to approve the Preplanning and Regular meeting minutes of April 24, 2007 as amended in the Preplanning Work Session and waive the reading of the minutes. Commissioner Hunt seconded the motion. The motion passed unanimously.

3. REDEVELOPMENT AGENCY DISCUSSION

Larry Hansen gave a brief overview of how the RDA works. He reported that he called RDA Attorney, Randy Feil, to get clarification on how an RDA works. Mr. Hansen explained that the RDA is a legal entity and an agency of the State, similar to the municipality of Riverdale City itself. The agency is a separate, distinct entity and exists in perpetuity with its financing generally derived by tax increment flow from the various project areas. He explained that when the tax increment expires, the RDA does not go away. The first step that the agency takes in establishing a project area is to do a study of the area to consider blight using qualified, professional consultants to ensure that everything is done right. After the study is done, the RDA adopts the findings of the study along with a project area plan by Resolution and the City Council adopts them by

Ordinance. The ordinance then becomes law for the City. The plan gives the RDA the ability to control land use and once the ordinance is adopted, it is recorded on each parcel in the RDA area and then runs with the land. Those parcels then become a separate and distinct taxing unit. Mr. Hansen stated that when a user wants to develop or build in an RDA area they have to come before the RDA Board to request permission for a specific use and see if it is compatible with the desires of the agency and to comply with the project area plan. He explained that the use request is the first step and that a developer's agreement can be requested, but is not required under the plan. He stated that the final assurance that the RDA has that the plan will be followed is the zoning of the property.

Mr. Hansen noted that at no time did the RDA or City Council stipulate the C-3 zone for the rezone of the West Bench property; City staff designated the zone to get the rezone completed to allow for the hotel use. Mr. Hansen stated in regards to RDA approval zoning becomes secondary. The RDA plan will trump everything because it is law and recorded on the parcel, if items are not addressed in the ordinance or zone a Developer's Agreement may be used but one is not necessary, and zoning is a secondary consideration but it is important that the developers meet all stipulations of the current zone.

Mr. Hansen apologized to the Planning Commission and noted that they should have been informed of the RDA earlier on in the process. He noted that it was not the intent of the City Council or City staff to have any adversarial feelings. If such feelings exist it is due to failed communication of the big picture. Chairman Farr asked why the C-3 was chosen and noted that it will set a precedent for future zoning. Mr. Hansen noted that the C-3 zone was an arbitrary staff recommendation; he agreed that it would set a precedent but also noted that it will not be binding reminding the Planning Commission that zoning is secondary in RDA project areas.

4. DISCUSSION AND REVIEW OF THE GENERAL PLAN UPDATES

Mrs. Ukena gave a brief overview of the background information and turned the time over to Mr. Randy Daily, Community Development Director. Mr. Daily noted that he had some concerns on the proposed Land Use Maps that are being presented to the Planning Commission for recommendation to the City Council.

1. Areas 1 & 3, Figure 7: currently shows the America First Credit Union office (old Big-D office) as Manufacturing. This should have the same designation as the entire Credit Union area, which is Special Use District LI/BP. In changing this designation, a LI/BP zone ordinance needs to be put in place. In addition, the recent rezone of the Value Place area to C-3 is not updated on the map; it is still designated as Mixed Use and should be Commercial.
2. Area 2, Figure 8: Alpine Church property should be Institutional not Mixed Use.
3. Area 7, Figure 13: H&P property north of vacated 4450 should show as Commercial not Mixed Use. On 4400 S. the H&P Town House property should be Mixed Use Residential.
4. Area 8, Figure 14: The island piece of Agricultural property is surrounded by nonresidential uses; recommend to change from Agriculture to future Commercial.

Discussion held on the above items. No. 2: Chairman Farr asked if the Alpine Church was being built out of metal and noted that he thought metal buildings were not allowed in the City. Mr. Daily stated that the City only regulates the architectural portion of the building not structural. No.4: Commissioner Searle asked if a restaurant has been proposed for the area. Commissioner Tanner stated that she was under the impression it was a beauty shop. Mr. Daily stated that a restaurant could happen and noted that Agricultural no longer fits with the area. Commissioner Tanner stated that in her opinion the change does not need to happen at this time. Mr. Daily reminded the Planning Commission that they are reviewing the master plan and not changing zoning. Commissioner Hunt asked the size of the property. Mr. Daily stated approximately 2 or 3 acres. Commissioner Gailey asked if it was currently being used as Agricultural. Mr. Daily noted that it was in the past but did not know currently.

Chairman Farr noted that it would be advantageous to have a joint meeting with the City Council to discuss the master plan issues. Mr. Daily stated that the joint meeting was held with the Public Hearing and noted that these issues are planning issues that need a recommendation. Mr. Daily stated that with Area 8, Figure 14: something like a Mixed Use would keep the residential feel and still allow for future Commercial. Commissioner Tanner stated that she was opposed to changing it to Mixed Use and noted that she feels that the Master Plan should reflect something a little bit calmer, leaving a buffer.

Commissioner Tanner asked to be excused from the meeting at this time.

Commissioner Hunt asked how realistic the Herridge Study/project is. Mr. Daily noted that the City desired unique ideas for the Value Place/West Bench area and stated that their ideas may be extreme and not entirely realistic. Chairman Farr stated that Mr. Hansen in his presentation mentioned that the sale of the West Bench property would allow funds to relocate overhead power lines and asked if this would be used as an incentive for other landowners to develop their property. Mr. Daily stated that the use of the funds have not been and will not be developer driven. Chairman Farr stated that in his opinion all recommendations may go forward with the exception of No. 4, changing from Agricultural to future Commercial. Commissioner Gailey asked if they were only recommending the commentary with corresponding maps without zone changes. Mrs. Ukena noted that it is just a recommendation to adopt changes to the General Plan.

Motion: Commissioner Hunt moved to recommend to the City Council approval of the new commentary along with the recommended changes from Mr. Daily with the exception of No. 4. Area 8, Figure 14: change from Agriculture to future Commercial but to leave as is. Commissioner Gailey seconded the motion. The motion passed unanimously.

5. DISCRETIONARY BUSINESS

Mrs. Ukena gave a clarification on the 1150 West Subdivision that previously came before the Planning Commission. She also noted that the conceptual site plan for condos on 550 west is in an RDA area and will need to go before the RDA Board first and she apologized for wasting the Planning Commission's time on a site plan that they could not approve.

Chairman Farr stated that the Don Cummins property is still adding fill. Mrs. Ukena informed the Planning Commission that the adjacent property owner told her that they were receiving the fill.

Chairman Farr noted that Brent Ellis, Ditch Master is concerned about the Value Place area and the upkeep of the ditches as development ensues. Mrs. Ukena stated that the developers cannot overlap on easements and the waterways must remain open.

Commissioner Gailey noted that the presentation about the RDA would have been a good case for when the Planning Commission and City Council could meet together, Mr. Hansen would have only giving the presentation once instead of three times.

Commissioner Hunt asked if eminent domain still existed. Mrs. Ukena noted that eminent domain is allowed for roads and public utilities only; it cannot be used to take housing or property to sell to private developers. Commissioner Hunt asked where the City received the funds to purchase ground, such as the West Bench property. Mrs. Ukena stated that she could not answer that and referred him to Mr. Hansen to obtain an answer.

6. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Searle moved to adjourn the meeting. Commissioner Gailey seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:15 pm.

Attest:

Approved:

Marie Alvord,
Planning Commission Secretary

Don Farr, Chair