



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **September 8, 2009** at 6:30 p.m. at the Riverdale Civic Center, 4600 S. Weber River Drive.

Members Present: Allen Miller, Chairman
 David Gailey, Commissioner
 Norm Searle, Commissioner
 Brent Ellis, Commissioner
 Blair Jones, Commissioner
 Bart Stevens, Commissioner
 Braden Mitchell, Commissioner

Others Present: Randy Daily, Community Development Director; Marilyn Banasky, City Recorder; and 2 citizens.

A. Welcome & Roll Call

Chairman Miller welcomed everyone present and noted that all Planning Commission members were present except Commissioner Gailey who will join the meeting in progress.

B. Open Communications

None

C. Consent Items

1. **Approval of meeting minutes from:**
 August 25, 2009 Work Session
 August 25, 2009 Regular Planning Commission

Motion: Commissioner Stevens moved to approve the consent item. Commissioner Ellis seconded the motion.

Call the Question:

The motion passed unanimously.

D. Action Items

1. **a. Public hearing regarding changes to Title 10, Chapter 10, Article A, Commercial Zones.**

Chairman Miller opened the public hearing at 6:32 p.m.

Alan Arnold reported that he doesn't have any interest in the check cashing business, but as a citizen, he does have an interest in commerce. He stated that he has never used one and doesn't care for them but feels that the Planning Commission should reconsider limiting the businesses based on Riverdale's population. He explained that Riverdale is a unique City and even though there are 8,000 residents, the number of daytime visitors are

much larger and they bring in cash to the City. Mr. Arnold stated that if the City limits those businesses, it will benefit other surrounding cities who do have those businesses. He reported that if he owned one of these businesses, he would be excited about the ordinance as it would limit competition and he feels that commerce and the free market will determine how many of these stores exist. He urged the Planning Commission to think about what those stores bring to Riverdale and allow the fair trade market to determine how many stores there are in Riverdale.

Motion: With no other public comment, Commissioner Searle moved to close the public hearing. Commissioner Mitchell seconded the motion.

Call the Question:

The motion passed unanimously.

The public hearing closed at 6:36 p.m.

b. Discussion and recommendation by the Planning Commission.

Randy Daily stated that he thought bringing up the daytime population of Riverdale versus the nighttime population was a good point as the population in Riverdale does increase from 8,400 nighttime residents to an average of 50,000 daytime population with commuters and shoppers. He reported that he based these changes on the recent ordinance that was passed by Roy City which limited check cashing/payday loan type of businesses by population. Commissioner Stevens inquired who requested these changes and wondered what their thought process was. Mr. Daily replied that in the past check cashing places have received bad press and got a bad name. He stated that some cities began to regulate them as they felt they were not good for their communities. Commissioner Stevens inquired how the City Attorney felt about the ordinance changes. Mr. Daily replied that even though Mr. Brooks looks over the ordinances before they are forwarded on to the Planning Commission, he would normally wait for the ordinance to go through the process before he commented as he is just strictly looking to ensure that everything is legal. Commissioner Stevens stated that he doesn't think it is in their purview to dictate how many check cashing/payday loan businesses there are and thinks the economy will do that.

Commissioner Gailey arrived at 6:41 p.m.

Commissioner Searle stated that he thinks the business district is disproportionate to the residents and that Mr. Arnold brought out a good point. He feels that those businesses will take care of themselves and will either thrive or fail if there is enough business for them. He reported that he too wondered about the legalities of it and if they need to regulate this. He stated that the City doesn't regulate the number of sexually oriented businesses in Riverdale so why regulate this type of business. Commissioner Jones stated that he doesn't think the people who are cashing checks at these businesses are spending it in the City and thinks it needs to be regulated. He reported that he thinks two of the businesses in the City is plenty. He stated that this ordinance doesn't get rid of them, but just limits them. Commissioner Mitchell reported that he thinks they have to look at who these types of businesses serve and that it is their job to serve all the residents of Riverdale. He stated that they need to look at whether or not it would be a service to

limit them and if they are providing a benefit. He reported that he has a problem with limiting them to 1 per 4,000 residents, which would only allow two check cashing/payday loan or pawnshops in the City as there are currently 2 check cashing/payday loans and 1 pawnshop, which would already put them over the limit. He stated that he thinks they should let the market regulate it. Commissioner Miller reported that he feels that instead of limiting the number of businesses by the number of nighttime residents, they would be regulated by only allowing them as a conditional use in a C-3 zone, which is what the ordinance allows. Mr. Daily reported that they would be further regulated if they are in an RDA area as the RDA Board can review and approve uses in those areas. Commissioner Stevens reported that some businesses are combining a primary service with a secondary one, such as a tire store may want to sell flowers in a corner of their business. He inquired what would happen if a current licensed business in Riverdale chose to offer check cashing or payday loans as a secondary business. Mr. Daily reported that would need to be considered, but as long as a business lets the City know what they were doing, it could be allowed. Commissioner Miller stated that he likes the ordinance but wants to delete reference to the language that addresses limiting the businesses to 1 per 4,000 Riverdale City residents. Commissioner Jones reported that he still thinks a number to limit them should be in the ordinance and thinks something needs to be done to regulate them. Mr. Daily reported that regulations are in place and that this ordinance creates a distance limit that prohibits them from being 500 feet from a residence. Commissioner Searle suggested tabling the ordinance and asking the City Administration to listen to the recording as he feels that a lot of valid points have been made. He stated that they could see what the Planning Commissions thoughts are and see if this is what they want. Commissioner Stevens stated that whether they vote to recommend this or not, it still goes to the City Council to be finalized. Commissioner Gailey stated that he would recommend changing the number to 1 per 2,500 Riverdale City residents as he agrees with Commissioner Jones that he feels there should be some kind of number to limit them. Commissioner Jones inquired if everyone agreed to regulate them with a number. Chairman Miller stated that it is still his feeling that they don't need a number if they are only allowed in a C-3 zone.

Motion: Commissioner Stevens moved that Title 10, Chapter 10, Article A, Commercial Zones be approved with the exception of any reference to the stipulation to number of businesses, be deleted. Commissioner Gailey seconded the motion.

Call the Question:

The motion passed unanimously.

2. a. Public hearing regarding changes to Title 10, Chapter 8, Agricultural Zone (A-1).

Chairman Miller opened the public hearing at 7:42 p.m.

Rik Herman stated that after reading the proposal, he doesn't see the need for it as the A-2 zone actually opens up more options than the A-1 zone. He reported that he is curious as to why they feel it is necessary to have an A-2 zone to begin with. He stated that the A-1 zone accomplishes what we want with agriculture and that Riverdale isn't agricultural anymore and the agricultural zones continue to get smaller. He reported that

over the past 28 years since he lived here, the agricultural land has shrunk and will probably one day be non-existent.

Motion: With no other public comment, Commissioner Ellis moved to close the public hearing. Commissioner Jones seconded the motion.

Call the Question:

The motion passed unanimously.

The public hearing closed at 7:28 p.m.

b. Discussion and recommendation by the Planning Commission.

Randy Daily stated that all the uses that were moved into the A-2 zone, currently exist in the A-1 zone. He reported that the reason they are being moved from the A-1 zone to the A-2 zone is because there are still A-1 areas that meet the requirements of the zone they are in where some uses may not be appropriate. He explained that the A-2 zone was created to allow the more commercial uses and if someone wanted one of those uses, they would need to request a rezone in order to have them. Commissioner Stevens stated that there is a large portion of the South Weber Drive area that is open and will remain open as long as HAFB is there as it is in the crash impact area. He explained that because of that, it limits those property owners from developing those properties and the new A-2 zone gives the City more control as to what types of businesses can go in an agricultural zone. He stated that he thinks the A-2 zone is a positive move that protects the City, residents and landowners who wish to utilize their land. Commissioner Searle stated that it was discussed in the work session that Home Occupations was deleted in the A-1 zone. Mr. Daily replied that he thinks that should be left as part of the ordinance as everything that is allowed in A-1 is allowed in the A-2 zone. He stated that in regard to the South Weber Drive Area, they are regulated by an Agreement for the purchase of the easement and it could come up one day that they could request other uses such as stabling horses in that area. He stated that he could include that type of use as allowed in the A-2 zone.

Motion: Commissioner Searle moved that the changes to Title 10, Chapter 8, Agricultural Zone (A-1) be forwarded to the City Council and recommended approval of the changes and also requests that horse stables be added as an allowed use in the A-2 zone. Commissioner Mitchell seconded the motion.

Call the Question:

The motion passed unanimously.

Mr. Daily reported that he will draft up a definition of stable and include it in the ordinance that is forwarded to the City Council.

E. Discretionary Business

None

F. Adjournment

There being no further business to come before the Planning Commission, Commissioner Ellis moved to adjourn the meeting. Commissioner Jones seconded the motion. The motion passed unanimously. The meeting was adjourned at 7:40 pm.

Approved: October 13, 2009

Attest:

Allen Miller, Chairman

Marilyn Banasky, City Recorder