



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **October 25, 2011 at 6:31 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Braden Mitchell, Chairman
Brent Ellis, Commissioner
Blair Jones, Commissioner
Bart Stevens, Commissioner
Michael Staten, Commissioner
Steve Hilton, Commissioner
David Gailey, Commissioner

Others Present: Randy Daily, Community Development Director, Ember Herrick, City Recorder and 7 members of the public.

A. Welcome & Roll Call

Chairman Mitchell welcomed everyone to the meeting and stated for the record all members were in attendance and he welcomed several boy scouts.

B. Open Communications

None.

C. Presentations and Reports

Community Development Director Randy Daily said there are no additions to the Community Development Report other than those discussed in the work session. He asked for any questions and none were noted.

D. Consent Items

1. Approval of meeting minutes from:
October 11, 2011 Work Session
October 11, 2011 Planning Commission

Chairman Mitchell asked for any changes or corrections to the previous meeting minutes and none were noted.

Motion: Commissioner Ellis moved to approve the consent items with the changes discussed in the work session. Commissioner Gailey seconded the motion.

Call the Question: The motion passed unanimously.

E. Action Items

1. **a. Public hearing on a draft proposal for an ordinance regulating individually owned, multiple family, town homes and condominiums.**
b. Discussion on a draft proposal for an ordinance regulating individually owned, multiple family, town homes and condominiums.

Chairman Mitchell opened the public hearing and asked for public comment. No members of the public commented during the public hearing.

Motion: Commissioner Staten moved to close the public hearing.
Commissioner Jones seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Mr. Daily stated for the record that the city does not have an ordinance that addresses multiple family housing other than PRUDs. He said there is one transitional zone in the city that would facilitate a MFROZ development at this time. According to Mr. Daily, the developer Destination Homes has expressed some interest in building townhomes on the bank owned Hayward Property in the future. According to Mr. Daily, this interest had motivated him to evaluate the city's ordinances to see what would be best to address a development of this type and he concluded that the PRUD ordinance is limiting both to the developer of multiple family housing and the city as it doesn't protect the city through a developer's agreement. In anticipation of future multiple family housing requests and not any specific development, Mr. Daily said he researched and drafted the current ordinance now being considered by the Planning Commission. He said in the absence of any additional changes from the Planning Commission and no input from the public at the hearing, he recommends that this ordinance be forwarded to the City Council with a favorable recommendation.

Mr. Daily said in the earlier work session members of the Planning Commission had asked about allowing home occupations in an MFROZ zone and he said all home businesses are evaluated to ensure that they won't be a nuisance for the neighbors. He said where there is a home owners association (HOA) they would consider a request for a home occupation to ensure it conforms to their covenants and would need to produce a letter for the city stating that the home business is allowed before the request is considered by Riverdale city. Commissioner Gailey asked if this applies to someone who works from home for an existing company and Mr. Daily said people are on the honor system to apply for licenses with the city. He said if you are using your home for anything other than a dwelling, you should apply for a business license with the city. Commissioner Ellis asked if this applies to telecommuters and Mr. Daily said they should have a home occupation license, but emphasized again that they are on the honor system. Commissioner Ellis said it would be a good idea to clarify this in the future and Mr. Daily said he could draft a revision to this section of Title 10 for the Planning Commission to consider at a future meeting.

Commissioner Stevens asked who the petitioner is on this proposed MFROZ ordinance and Mr. Daily said he is the petitioner as a department head and representative of the city. According to Mr. Daily, in his professional opinion there is a need for a MFROZ ordinance in Riverdale.

Motion: Commissioner Stevens made a motion to deny the proposed ordinance regulating individually owned, multiple family, town homes and condominiums. Commissioner Gailey seconded the motion.

There was no discussion on the motion.

Call the Question: Commissioner Jones, nay; Commissioner Hilton, nay; Commissioner Gailey, aye; Commissioner Stevens, aye; Commissioner Ellis, nay; Commissioner Staten, nay; and Chairman Mitchell, nay. The motion failed with two in favor and five opposed.

Mr. Daily requested another motion be made if the majority of the Planning Commission doesn't want to see this multi family housing ordinance fail.

Commissioner Staten said he believes there is a need for affordable starter homes in Riverdale but he stated that when he and his wife were looking at townhomes he said they were more expensive than the existing home they ended up buying. He said the General Plan states the need for affordable housing and he is in favor of an ordinance that protects the city in reference to future multiple family housing.

Commissioner Stevens said in his opinion the city has enough rental properties and he doesn't believe the proposed Destination Homes townhomes will be priced in this economy to sell as owner occupied homes. He said Homer Cutruba built condos intending them to be owner occupied but because of the current economy, many are just being rented. According to Commissioner Stevens, the proposed Destination Homes townhomes are priced too expensive to be owner occupied and he doesn't think there should be an ordinance passed for multi family housing until a serious developer's who is financially invested in building in Riverdale is the petitioner.

Mr. Daily asked the Planning Commission if they would rather follow the example of North Ogden and tailor their ordinances specific to each development. Commissioner Stevens asked if Mr. Daily has had discussions with representatives from Destination Homes in drafting the current ordinance and Mr. Daily said he had sent a copy of the proposed ordinance to the developer. Mr. Daily stated again that this ordinance was not tailored to any specific development but was taken from similar ordinances passed by other Utah cities and was designed to protect Riverdale by requiring any petitioner to enter into a developer's agreement with the city. He said the proposed ordinance being considered by the Planning Commission tonight calls for lower density than the concept plan for townhomes submitted to the city by Destination Homes.

Commissioner Staten said he would like legal advice from city attorney Steve Brooks on whether the city should draft broad ordinances or tailor specific ones to each petitioner's unique request. He expressed concern that passing specific ordinances could open the city up to litigation and said that he would like to see ordinances before they could be construed as being drafted to cater to a specific petitioner's request. Mr. Daily said Mr. Brooks and land use attorney Jody Burnett have both advised him in the past against tailoring ordinances for specific developments in favor of general ordinances that protect the interests of the city. Chairman Mitchell said he also believes general ordinances should be in place before petitions are considered and he said the timing of this request is unfortunate. According to Chairman Mitchell, in his opinion it doesn't appear the MFROZ ordinance was written by Mr. Daily to cater to Destination Homes. He said

the fact the ordinance won't work with the concept plan means if Destination Homes is serious about developing the property in question into townhomes they will need to come and request an amendment from the Planning Commission, at which time the group can address the concerns about ownership expressed tonight. Chairman Mitchell said when he was a student a townhome was a good equity building opportunity with low maintenance for his young family. He said he is in favor of starter homes in Riverdale but also shares concerns about the properties being priced too high so that they are rented and not owner-occupied.

Commissioner Staten asked Mr. Daily if the Planning Commission could give Destination Homes some feedback about their concerns when the developer petitions them for a zone change at some point in the future. Mr. Daily said that would be appropriate and that under the proposed ordinance the Planning Commission retains the power to deny any petitioner's request, with the option that the petitioner can then appeal to the City Council.

According to Mr. Daily, the Destination Homes concept plan could work under the existing PRUD ordinance on the Hayward Property except for the building materials requested which were specific to a particular PRUD. Mr. Daily said the last advice he had given to the Destination Homes petitioner was that they ask to amend the current PRUD ordinance to use different building materials than those stipulated in the existing ordinance as that was the only provision that they had expressed concern with.

Commissioner Stevens said he is not convinced that the city and not Destination Homes is the real petitioner behind this ordinance and he asked that the city be forthcoming about why this ordinance was drafted and he accused the city of working for the developer. Chairman Mitchell asked Commissioner Stevens to clarify what he would like to see happen in the future as petitions come before the Planning Commission that are not currently addressed in existing ordinances. Commissioner Stevens said he would like the entire full-time staff to be more transparent about what is motivating an ordinance.

Mr. Daily stated one more time for the record that Destination Homes did not request that the city draft this ordinance. He said that in his professional opinion as the city's Community Development Director, now is a good time to update the city's code in reference to multi family housing because the existing ordinances that are specific to R-3, R-4 and R-5 zones haven't been updated or amended for years and they don't protect the city by requiring a developer's agreement. According to Mr. Daily, the density stipulated in this ordinance is less than what was proposed on the concept plan for Destination Homes.

Commissioner Staten asked about Mr. Brook's feedback on this proposal as he had not noted any concerns on the executive summary. Mr. Daily said he hadn't discussed the ordinance in depth with Mr. Brooks but following city protocol had sent every draft to the city attorney for his review and comment and had not heard of any legal concerns with the ordinance from him. Commissioner Stevens said he finds Mr. Brooks and City Administrator Larry Hansen's comments on the executive summaries helpful. Mr. Daily recommended the Planning Commission table this ordinance until Mr. Brooks and Mr. Hansen can verify that the reason they didn't comment on the executive summaries is because they have no concerns with the proposed ordinance. Commissioner Ellis agreed the Planning Commission should table discussion to consult with Mr. Brooks before proceeding. Commissioner Gailey said he would rather have an ordinance in place before a petitioner approaches the Planning Commission and

City Council with a specific request. Commissioner Hilton said the city needs a multi family ordinance and in his opinion this one is well drafted has been through a public hearing and he would be in favor of forwarding it to the City Council for their review with a favorable recommendation tonight.

Motion: Commissioner Hilton moved to forward the ordinance with a favorable recommendation to the City Council for their consideration. Commissioner Gailey seconded the motion.

There was no discussion on the motion.

Call the Question: Commissioner Hilton, aye; Commissioner Gailey, aye; Commissioner Stevens, nay; Commissioner Ellis, aye; Commissioner Staten, nay; and Chairman Mitchell, nay; and Commissioner Jones, nay. The motion failed with three in favor and four opposed.

Motion: Commissioner Staten moved to table this item. Commissioner Ellis seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

2. Review of Conditional Use Permit for American Title Loan Company located at 4224 Riverdale Road in a C-3 Zone.

Mr. Daily said the City Council voted to allow title loan companies in C-3 zones as a conditional use and to remove the 500 foot distance from a residential zone stipulation. He said the petitioner American Title Loans is asking for a conditional use permit to locate in a C-3 zone in Jim Baker's building where Truly Nolen has done business for years.

Belinda James with American Title Loans said the company that she works for is interested in opening a new location in the Riverdale area. Chairman Mitchell called for questions from the Planning Commission and Commissioner Staten asked how Mike Medina is involved as he saw that he had spoken on behalf of the petitioner at a previous City Council meeting. Mr. Daily said Mr. Medina is a broker who represents the property owner Jim Baker and is interested in future development of this RDA area. According to Mr. Daily, interest in developing the property is temporarily on hold during the economic downturn.

Commissioner Stevens said he would like to see a stipulation put on the conditional use permit where American Title Loans can only issue title loans and must apply to amend their business license if they wish to expand their services at some point in the future. Mr. Daily said this is a reasonable condition the Planning Commission can impose on this business. Ms. James said American Title Loans would have no problem with the stipulation as they have tried signature loans in the past without success and now only issue title loans. Commissioner Staten asked how

the city would know if American Title Loans started offering additional loan services Mr. Daily said the city relies on businesses to report changes and said that employees keep an eye open for ads and sign changes. Commissioner Gailey asked if the building is existing and what half American Title Loans will move into and Mr. Daily said American Title Loans will be on the front of the building and Truly Nolen on the back east end. Chairman Mitchell asked Ms. James how many title loans they do a day and she said at their St. George location just one or two a day and in West Valley and Salt Lake City ten to 12. She estimated that on average at the Riverdale location they will issue five or fewer loans a day and added that 90 percent of their customers are approved unless they don't have substantial income. Commissioner Staten asked if the homeowners in the area needed to be consulted before this permit is issued and Mr. Daily said the city code doesn't require this unless the residents complain about a specific adverse impact a business is causing to an area.

Commissioner Staten asked if any member of the Planning Commission wanted to apply conditions to this permit and Commissioner Stevens said he would like it noted that they can only offer title loans to customers. Commissioner Hilton asked about limiting the number of these businesses in Riverdale and Mr. Daily said the City Council wanted to let the market regulate the number of these businesses in the city. Commissioner Hilton said having several in the city could be a problem and he would like the numbers of these regulated. Mr. Daily said if there is consensus from the Planning Commission he will draft something to address this concern. Commissioner Staten asked if a condition could be that another similar business could not be within so many feet and Commissioner Stevens said this could benefit the title loan company by curtailing their competition so he recommended that there not be a provision like this put in place. Commissioner Gailey said the market should dictate the numbers and locations of these businesses and he asked if the state regulates the interest they can charge. Ms. James said the interest rates are regulated by the state and range from 100 to 300 percent.

Motion: Commissioner Staten moved to approve the Conditional Use Permit for American Title Loan Company located at 4224 Riverdale Road in a C-3 Zone with the condition that it be restricted to offering title loans to customers. Commissioner Stevens seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

3. Review and discussion on the Housing sections of the General Plan.

Mr. Daily said the housing section of the General Plan needs to be updated and he said if any Planning Commission members have any suggestions or recommendations they can email them to him. Mr. Daily said Lehi city has a good example of moderate income housing done with the assistance of a consultant. He said if there is another portion of the General Plan the Planning Commission would like to address first to please let him know. Commissioner Staten said he would like to see the updated census numbers included to help the Planning Commission better evaluate the city's housing needs and Mr. Daily said the data included in the packet is the most updated provided by the state to the city. There was no additional discussion on this topic.

F. Discretionary Items

There were no comments or questions.

Motion: There being no further business to come before the Planning Commission, Commissioner Ellis moved to adjourn the meeting. Commissioner Gailey seconded the motion. The motion passed unanimously. The meeting adjourned at 7:35 p.m.

Approved: November 9, 2011

Attest:

Braden Mitchell, Chairman

Ember Herrick, City Recorder