



Minutes of the **Regular Meeting** of the **Riverdale City Planning Commission** held Tuesday, **February 14, 2012 at 6:33 p.m.** at the Riverdale Civic Center, 4600 South Weber River Drive.

Members Present: Brent Ellis, Chairman
Bart Stevens, Commissioner
Steve Hilton, Commissioner
Kathy Eskelsen, Commissioner
Lori Fleming, Commissioner
David Gailey, Commissioner

Member Excused: Blair Jones, Acting Chairman

Others Present: Randy Daily, Community Development Director, Ember Herrick, City Recorder and no members of the public.

A. Welcome & Roll Call

Chairman Ellis welcomed everyone to the meeting and stated for the record all members were present except for Commissioner Jones who is excused. He stated for the record that because there are no members of the public here to attend tonight's meeting, the Planning Commission is convening upstairs in the Conference Room.

B. Open Communications

Chairman Ellis said there are no members of the public to speak during the open communications portion of the meeting.

C. Presentations and Reports

Community Development Director Randy Daily said there are no new items on the Community Development Report. He said the former Toys R Us building will become the new Zurchers and informed the Commission that In-N-Out Burger plans to break ground in April 2012. He asked for any questions and there were none.

D. Consent Items

- 1. Approval of meeting minutes from:**
January 24, 2012 Work Session
January 24, 2012 Planning Commission

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

**Motion: Commissioner Fleming moved to approve the consent items.
Commissioner Eskelsen seconded the motion.**

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

E. Action Items

1. Discussion of Educational Institutions as defined in Title 10 and allowed in various zones.

Mr. Daily asked the Planning Commission to discuss whether or not to expand the definition of what qualifies as an educational institution in Riverdale and to determine if the current ordinance needs to be updated and amended. Commissioner Stevens said he would like a distinction made between state sponsored government entities and for-profit educational institutions so that they are classified differently. Mr. Daily asked if there is consensus from the Planning Commission to classify educational institutions in Riverdale by ownership or if such a classification could be seen as too restrictive in allowing trade schools but not commercial for-profit schools. Commissioner Hilton asked what the benefit to the city would be in differentiating between educational institutions based on whether or not they are for-profit. Mr. Daily said some people view for-profit learning institutions as predatory and Commissioner Hilton said those that motivate their students to take out loans to pay for their education could fit that classification. Commissioner Stevens said some schools offer degrees that don't meet state licensing regulations, making it difficult for graduates to get hired even after completing a program. According to Commissioner Stevens, student loans are available for non-traditional schools even if they aren't state accredited. Chairman Ellis asked who is responsible for overseeing the accreditation of schools and Commissioner Stevens said the State of Utah is the regulatory body. Commissioner Hilton said he is aware of some institutions that use recruiters who work on commission and target students who wouldn't be accepted into a traditional educational institution.

Commissioner Fleming said it is the Planning Commission's role to determine an appropriate definition for educational institutions and where these facilities can operate within Riverdale City. Commissioner Hilton suggested that rather than looking at a business's profit motive it would be wise to evaluate where educational institutions would be best suited in the city as far as the congestion they will bring and availability of parking. Commissioner Stevens said the city needs to define what an educational institution is and then make them a conditional use in certain zones so that the Planning Commission can evaluate each request on a case by case basis. Mr. Daily said in his opinion private non-profit and commercial for-profit educational institutions should not be treated differently under the city's code. He said educational institutions are allowed in A-1, and all R zones as permitted uses and in C-1, C-2, and C-3 zones for trade and industrial schools as conditional uses.

Commissioner Fleming said she would like to see the definition of educational institutions expanded so that the seller of the Christian Heritage School will have more options and the building will be less likely to sit vacant for years at the risk of becoming an eyesore or nuisance problem for the city. Mr. Daily asked if the Planning Commission would be open to considering a rezone request for the Christian Heritage property to allow another use if the building couldn't be sold as a school. Commissioner Stevens asked if Christian Heritage had requested a rezone request and Mr. Daily said they had not to date. According to Mr. Daily, when he described the narrow definition of educational institutions and what would be an allowed use for the property to be sold as, the seller of Christian Heritage was surprised. Commissioner Hilton asked about the likelihood that this parcel would get approval to be rezoned for commercial use and Mr. Daily said with a new Council and Planning Commission it is more likely than it would have been 10 years ago. Mr. Daily said the adjacent property which is currently the Motor-Vu Drive

Inn could also become obsolete in the future with the switch to digital movie technology. Commissioner Gailey said if the Drive Inn goes out of business and Christian Heritage is vacant he thinks there would be some good development opportunities on the East side of the street.

Commissioner Stevens said in his opinion it isn't a good business model to spend all of your money into constructing a beautiful building when you don't have the resources to pay for the day to day operations. He said any private school will have trouble being profitable in the current economy and added that he would rather the building be used instead of sitting vacant. Commissioner Stevens said the Planning Commission should wait for a developer to come to them with a rezone request proposal but he added that insisting that the building remain a school is shortsighted and he would consider a rezone request to change the parcel to a C-3 designation. Commissioner Gailey said the price of the property will prevent most educational institutions from being able to afford this parcel and he would support a rezone request that makes the parcel conditional use so that all applications must come before the Planning Commission and they will retain the ability to put reasonable restrictions in place on a future use. Commissioner Fleming said the Christian Heritage parcel is currently listed for lease not sale online.

Mr. Daily said his understanding from this discussion is that the majority of the Planning Commission members would like to wait until they have a specific request for a new educational institution before they consider amending the ordinance in a way that could potentially impact all the zones in the city. Mr. Daily said he will report on this discussion back to the City Council and the Christian Heritage School property owner.

No action was taken on this item.

2. Discussion on amendments and request to set public hearing on proposed changes to Title 10, Chapter 10, Article A. Commercial Zones (C-1, C-2, C-3).

Mr. Daily said the Planning Commission has his recommendations in the packet on proposed amendments to RCC 10-10-A. Commissioner Hilton asked what uses other cities have in place for commercial zones and Mr. Daily said the city followed Weber County's lead when it initially designated uses 20 or 30 years ago. He said the Planning Commission has tried to update the ordinance as times have changed and has revised RCC 10-10-A recently in the years while Commissioner Stevens has served on the Planning Commission. Commissioner Hilton said he supports Mr. Daily's proposed amendments as he feels they are reasonable and will update the ordinance to address current use requests. Commissioner Stevens said our industrial society is constantly changing and he thinks Riverdale should be proactive in updating this ordinance every three or four years. He asked if the city code addresses private detention centers and half way houses in its ordinance. Mr. Daily said the city has some homes for disabled people and they are covered under Riverdale ordinance, but nothing in the current city code allows for detention or half way houses. Commissioner Hilton asked if these types of businesses could be classified with the same restrictions as sexually oriented businesses because he is concerned that the Christian Heritage building could be turned into this type of facility in the future. Mr. Daily said he could look into it and seek the advice of City Attorney Steve Brooks because these institutions require specific employee training and there are laws that require sex offenders to report their addresses on a state registry. According to Mr. Daily, Riverdale's current ordinances do not have a provision addressing these types of businesses because to date no one has expressed

interest in establishing one in the city. Commissioner Fleming said these types of businesses wouldn't fit in a commercial zone and Commissioner Stevens said he knows of dormitory facilities for non-violent working criminals that are located in commercial areas of other cities. Commissioner Fleming said these types of facilities are often located by jails or police departments for security purposes. Mr. Daily said every use associated with housing has been removed from Riverdale's commercial zones. He said if it was considered a government use it would be subject to government agency regulation. Commissioner Stevens asked if a public hearing is held in four weeks can public input still be considered until the Planning Commission votes on possible amendments to the ordinance and Mr. Daily said changes are welcome up to the actual public hearing.

Motion: **Commissioner Hilton moved to set a public hearing on proposed changes to Title 10, Chapter 10, Article A. Commercial Zones (C-1, C-2, C-3) in four weeks at the regularly scheduled Planning Commission meeting on March 13, 2012. Commissioner Fleming seconded the motion.**

There was no discussion on the motion.

Call the Question: **The motion passed unanimously.**

F. Discretionary Items

Chairman Ellis asked for any discretionary items and Commissioner Gailey commented that he thinks the Community Development Report is unnecessary. Mr. Daily said the report was established at the request of the City Council but a copy is included in the Planning Commission packets to keep the Planning Commission apprised of new developments in the works. He said he updates it weekly but there are seldom major changes, especially during the winter months when construction is often slow. Several commissioners said they find the report useful.

Commissioner Stevens said he reads the City Council meeting minutes and is concerned that the City Recorder's summary meeting minutes about Planning Commission discussions and the synopses Mr. Daily gives the Council about the recommendations from that body to the Council on proposed ordinances are too vague. According to Commissioner Stevens, the summary minutes often don't capture the passion of his arguments in opposition to proposed ordinances and Mr. Daily telling the Council that the Planning Commission recommends a proposed change doesn't apprise them of Commissioner Steven's reasons for voting against the proposals. Mr. Daily said Riverdale City has been advised by legal counsel to record concise, summary meeting minutes because all records could potentially be used as evidence in the event an individual or company brings a legal suit against the city. He said if the Council or any member of the public wishes to listen to the audio recording to hear every word spoken at any public meeting the recordings are available on the city's website. Commissioner Stevens said he would encourage members of the City Council to listen to the Planning Commission meeting recordings so they get an accurate account of his concerns. He asked Mr. Daily to not just pass on the Commission's recommendations to the City Council but to also express to them any individual Planning Commission member's opposition if someone doesn't agree with the group's decision in favor of a proposed ordinance. Commissioner Fleming said she considers herself one member of a seven member Planning Commission and when the majority votes and an agreement is reached, each member should respect and support the group's decision. Commissioner Stevens said he sees himself as an individual first and feels strongly that he should be able to maintain his

opposition to decisions made by the consensus of the Planning Commission even when he is in the minority. Commission Hilton said Commissioner Steven's passion is translated well to the rest of the Planning Commission and serves its purpose in trying to convince the other members of the group to see things from his perspective but the group's majority decision is the important element for Mr. Daily to convey to the City Council. Mr. Daily said he feels Commissioner Stevens' concerns are reflected well in the summary meeting minutes and Commission Hilton agreed. Mr. Daily said the minutes need to make sense to someone who may read them in the future to understand what the discussion was about ten years from now.

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

Approved: March 14, 2012

Attest:

Brent Ellis, Chairman

Ember Herrick, City Recorder