

Crossing complex. Mr. Rumpsa said there will also be designated parking stalls for food pick up and handicapped patrons and the front entrance to the building will be done in stamped concrete. Mr. Daily said 28 percent of The Crossings' total site plan will be landscaped which is over the minimum 20 percent requirement. Commissioner Hilton asked about the location of the food pick up short term parking stalls and Mr. Rumpsa showed the Planning Commission they will be near the restaurant's entrance. He also showed them the proposed location for the curb cut on the North side to allow access from 700 West approximately 150 feet from Riverdale Road.

Commissioner Stevens asked if the fire hydrants had changed from the original plan and Mr. Rumpsa said power boxes and fire hydrants for the entire Crossing complex will not change with the development of the two restaurant pads. Mr. Daily informed the Council that the restaurant will also be fire sprinkled. Commissioner Stevens asked about the restaurant's signage and Mr. Rumpsa said the top panel of The Crossing's marquee will advertise Buffalo Wild Wings and the restaurant's name will also be on the front and side of the building as illustrated in the drawing displayed on the monitor during tonight's public hearing. Commissioner Fleming asked if the words "bar and grill" will be part of the sign as they are shown on the Layton restaurant drawing but are absent from Riverdale's. Mr. Rumpsa said he did not believe "bar and grill" would be part of the sign as that was not the language proposed to his company for approval from the developer.

Chairman Ellis asked about the restaurant's menu and Mr. Daily encouraged him to visit Buffalo Wild Wings' website for a thorough overview. Mr. Rumpsa explained the restaurant engages patrons with interactive games displayed on huge TV screens around the restaurant to create an active environment. Commissioner Fleming brought up the web page for Buffalo Wild Wings and informed Chairman Ellis that they sell sandwiches, ribs, hamburgers and salads on their menu.

There were no additional comments or questions.

Motion: **Commissioner Hilton moved to approve the amendment to the site plan for "The Crossing" at 700 West Riverdale Road by forwarding a favorable recommendation to the Redevelopment Agency. Commissioner Gailey seconded the motion.**

There was no discussion on the motion.

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

Commissioner Hilton asked when the Layton location is scheduled to open and Attorney Tanner Lenart with PADRM representing Buffalo Wild Wings said Lehi's restaurant was the first in Utah to open and there are six others planned including the Layton and Riverdale that are all still waiting on liquor licenses from the state of Utah. She said the Layton restaurant is already under construction in front of the Layton Hills Mall. Mr. Daily said the Planning Commission's recommendation to amend the city's agreement to develop land for The Crossing will now be forwarded to the Redevelopment Agency for their consideration at their next scheduled meeting on June 5, 2012.

2. A Public hearing to receive and consider public comment concerning amending RCC 10-10A-3 Commercial Zones (C-1, C-2, C-3) Special Regulations

Chairman Ellis said the next item on the agenda is a public hearing to receive and consider public comment concerning amending RCC 10-10A-3 Commercial Zones (C-1, C-2, and C-3) Special Regulations. He opened the public hearing and there was no one present to comment.

Motion: Commissioner Eskelsen moved to close the public hearing to receive and consider public comment concerning amending RCC 10-10A-3 Commercial Zones (C-1, C-2, C-3) Special Regulations. Commissioner Gailey seconded the motion.

There was no discussion on the motion.

Call the Question: The motion passed unanimously.

Chairman Ellis opened the topic up for discussion from the Planning Commission and Commissioner Hilton said he reviewed the packet information and agrees with Mr. Daily's recommendation that there is a need for the city to regulate gold buying, title loan, payday loan and smoke shop businesses in Riverdale. Commissioner Jones said the Planning Commission had looked at restricting certain businesses based on population in the past and their recommendations had been vetoed by the City Council when the majority decided to let the free market regulate the types and quantities of businesses that operate in Riverdale. He asked Mr. Daily what the Council's feelings are on these proposed restrictions and Mr. Daily said he has not asked the City Council to weigh in on these amendments yet. Mr. Daily said he is bringing the topic up for discussion and consideration now because several neighboring Utah cities have begun to restrict these types of businesses based on population.

According to Mr. Daily, Riverdale currently has one title loan, two gold buyers and three payday loan or check cashing businesses in the city with another title loan store currently in the process of applying for a Riverdale business license. He said as other cities put restrictions limiting the number of these businesses in their cities and since Riverdale has no limits more could gravitate here. Mr. Daily said the Planning Commission and City Council need to consider if these types of businesses are the best use of the city's commercial space, if they best serve the residents of Riverdale and what potential impact they have on neighboring businesses. Mr. Daily said there is some protection built in to Riverdale City's Code requiring each applicant to apply to the Planning Commission for a conditional use permit before being granted a business license but he said if they meet the distance and zone requirements the Commission has no grounds to restrict them. According to Mr. Daily, with the gold buying stores there are concerns about verifying where the merchandise is coming from as they are not held to the same standards as pawn shops. Mr. Daily said the city has received several business license applications from these types of stores in the last year and the City Administrator Larry Hansen asked Mr. Daily to approach the Planning Commission again to see if they would again recommend that the City Council look at putting some population restrictions in place.

Commissioner Stevens said he thinks the city can best regulate businesses through zoning restrictions rather than population based restrictions and Mr. Daily said that was his thought initially since that is how Riverdale regulates sexually oriented businesses but when he proposed adding smoke shops to the zoning restrictions governing sexually oriented businesses Riverdale City Attorney Steve Brooks advised him against it. Commissioner Stevens said in his opinion smoke shops are similar to sexually oriented businesses and so he would support a proposal to restrict them to the same zone but is opposed to limiting any kind of business based on population because it is arbitrary and could in his opinion be legally challenged. He said an ordinance that limits new businesses coming into the city could be interpreted as protecting grandfathered businesses from competition and isn't sound business practice as a business should survive because it is viable not because it is protected through regulation. Commissioner Stevens said this type of legislation could hypothetically be used by the city to deal with other problems like overcrowding if they passed a law to only allow a certain number of non-residents to use Riverdale City parks. He asked if the city will limit the number of fast food restaurants in the city based on population in light of the fact that many menu items have been scientifically proven to be bad for your health. According to Commissioner Stevens, it is not the proper role of city government to regulate what businesses should be allowed to open in Riverdale and the City Administrator should not be dictating the Planning Commission's agenda. He said he would support creating a special zone for smoke shops in connection with state restrictions on the distance these businesses should be from community locations like churches and schools, but he will not support limiting the number of stores by population and he encouraged the Planning Commission to vote against these proposed restrictions. Commissioner Stevens said despite what the majority decides, Riverdale's smoke shop ordinance needs a good definition of what a smoke shop is so that any new restrictions don't apply to all tobacco product sellers.

Commissioner Jones said when the Planning Commission looks at zoning restrictions they should have protecting Riverdale's residents in mind, not businesses. He said the Planning Commission has a responsibility to protect people that live here so he supports the proposed restrictions because he feels they will do that despite Commissioner Stevens' good arguments. Commissioner Hilton said he agrees with Commissioner Stevens that free market competition should regulate business but the Planning Commission has a responsibility to put additional restrictions on businesses that threaten the health, safety or welfare of people. According to Commissioner Hilton, sexually oriented business and smoke shops fall into these categories and gold buying, title loan and check cashing services need to be treated differently because they are predatory and the majority of their customers are desperate enough to pay a very high rate of interest. He said he doesn't believe they should be outlawed because they are legal businesses but he thinks it makes sense to limit their numbers because allowing 100 to do business in the city would not best serve the residents of Riverdale and could drive out other legitimate businesses. Commissioner Hilton said he would be in favor of restricting these businesses to a certain zone too but if Mr. Brooks is advising against this and other cities are limiting them by population he thinks following their lead may be the next best option for Riverdale.

Commissioner Eskelsen said the Planning Commission has a responsibility to protect people and their pocket books. She said in the case of smoke shops Riverdale City must also consider the resources being expended by the police to enforce city ordinances and state law by ensuring minors aren't allowed to buy these controlled substances and illegal substances like Spice aren't being sold. Commissioner Eskelsen used the example of the adult book shops in downtown Ogden saying it took a great deal of manpower to shut these businesses down once they were

established. She recommended the Planning Commission use every legal means to prevent businesses that threaten the health, safety and welfare of the community from becoming rooted in Riverdale. Commissioner Stevens said the police incident reports for smoke shops are comparable to reports for sexually oriented businesses and that is why he thought it would be appropriate to restrict them to the same C-4 Zone. He said payday loan stores fill a niche and although they are perceived as predatory, the state views them as legitimate businesses so while he isn't opposed to zoning restrictions he opposes the city restricting them based on population.

Commissioner Fleming asked Mr. Daily how he had calculated the numbers of businesses allowed by population in his proposed amendments and Mr. Daily said the restrictions reflect the numbers of businesses currently doing business in a city with 8,400 residents. He said he researched other cities with similar provisions and they all differ in how many they allow. According to Mr. Daily, Riverdale is in a unique situation with its residential areas so close to its commercial zones. He said that the 1,000 foot restriction from a community location like a park or school is Utah state law but he is open to discussing the numbers Riverdale should allow with the Planning Commission. Commissioner Hilton said the City Council can debate the number of these businesses in the city if they don't agree with Mr. Daily's proposed numbers and Chairman Ellis asked if other cities have had legal challenges after limiting these businesses by population. Mr. Daily said he hasn't seen any news articles or heard from other city officials that they are being sued over population based restrictions and he said the fact that no one showed up to speak at the public hearing is indicative of the public sentiment about these types of businesses.

Mr. Daily said he gets calls from property owners all the time that are upset because they feel zoning restrictions won't allow them to use their land for its highest value. He said it is a trade off where zoning laws do sometimes affect property values by limiting what can be built adjacent to a residential neighborhood. According to Mr. Daily, city ordinances are drafted deliberately to encourage and discourage certain businesses. He said 15 years ago the city created a zone where sexually oriented businesses could be and to date there has not been one in the city. He said he sees Commissioner Stevens' points but the bottom line is that a payday loan business does not bring in a substantial amount of sales tax revenue to Riverdale City and the majority of Riverdale residents if asked would prefer a restaurant to a check cashing store. Mr. Daily said he will amend the proposed language in any way the majority agrees but he feels that now is a good time to address these concerns.

Commissioner Fleming asked how many of these businesses there are in Riverdale and Mr. Daily said the city's only smoke shop recently closed, there are three check cashing businesses, two gold buyers and one title loan and one pawn shop. Commissioner Gailey said there are a lot of these businesses in Roy and Ogden so if people want to use them they can travel to neighboring cities for service. He said he has concerns that they are not restricted in the interest rates they can charge their clients and he would like to see them restricted even if it is by population. Commissioner Gailey said if the public was in support of these businesses or wanted to see more in the city they would have attended tonight's public hearing and spoken up in their defense. Commissioner Stevens said he sold an old gold crown for a tooth to a gold buyer and was happy with the amount of money he was paid for the gold. He said that Check City owns the complex they operate out of in Riverdale and it is a nice looking building and seems to have no trouble attracting neighboring businesses. Commissioner Stevens asked how the city could keep any legitimate business from expanding their services into buying or selling gold or cashing payday checks and Mr. Daily said the business licensing process and zoning requirements

address this issue and require a business to amend their license if they want to expand into a new line of business. He said he reviews all applications against state statute before approving a business license but currently if a business complies with state law and all city ordinances he cannot prevent a new business from opening without additional restrictions in place.

There were no additional comments or questions.

Motion: Commissioner Hilton moved to approve the proposed changes to amend RCC 10-10A-3 Commercial Zones (C-1, C-2, C-3) Special Regulations by forwarding a favorable recommendation to the City Council. Commissioner Fleming seconded the motion.

There was no discussion on the motion.

Roll Call Vote: Commissioner Jones, aye; Commissioner Hilton, aye; Commissioner Gailey, aye; Commissioner Stevens, nay; Chairman Ellis, aye; Commissioner Eskelsen, aye; and Commissioner Fleming, aye. The motion passed with six in favor and one opposed.

Commissioner Stevens asked if the city would also consider limiting the numbers or zones where Bingo Parlors would be allowed and Mr. Daily said although not part of his proposed amendments, the topic has been discussed.

F. Discretionary Items

Chairman Ellis asked for any discretionary items and there were none.

Motion: There being no further business to come before the Planning Commission, Commissioner Eskelsen moved to adjourn the meeting. Commissioner Jones seconded the motion. The motion passed unanimously. The meeting adjourned at 7:30 p.m.

Approved: June 12, 2012

Attest:

Brent Ellis, Chairman

Ember Herrick, City Recorder