

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
OCTOBER 26, 2023**

The Riverton City Planning Commission convened at approximately 6:30 p.m. in the Riverton City Hall, 12830 South Redwood Road, Riverton Utah.

Planning Commission Members:

Jon Gilchrist, Chair
Gary Cannon
Shelly Cluff
Evan Matheson
Monique Mortensen
Darren Park
Troy Rushton

Staff:

Tim Prestwich, City Planner
Ryan Carter, City Attorney
Jason Lethbridge, Development Services Director
Lisa Halverson, City Planner

1. CALL TO ORDER/ROLL CALL

Chair Jon Gilchrist called the meeting to order at approximately 6:30 p.m. The Pledge was led by Commissioner Darren Park.

2. PUBLIC HEARINGS

A. LOFTS AT ROSE CREEK CROSSING PHASE 2 AMENDED, PLZ-23-1005, A BOUNDARY LINE ADJUSTMENT AT 13641 SOUTH STONE ROSE LANE (3620 WEST). APPLICANT - TOM SPENCER.

City Planner, Tim Prestwich, presented the Staff Report and stated that the application is for a Boundary Line Adjustment to the Lofts at Rose Creek Crossing. The subject property is located at 13641 South Stone Rose Lane (3620 West). Mr. Prestwich reported that the project has been approved, recorded, and is under construction. A property rendering was displayed. He reported that the amendment pertains to the southwest corner of the development which contains five units. The Plat was recorded before construction and discrepancies in the parcel boundaries were identified while going through the process relative to the building itself. There is no new developable space, and the request is to shift the property lines to reflect the reality of what was built. Mr. Prestwich reported that to comply with the law, this item must return before the Planning Commission for approval as an amendment and be recorded with the Salt Lake County Recorder's Office. He confirmed that any other agencies that must sign off will be the responsibility of the developer. Staff recommended approval with conditions listed in the Staff Report.

Chair Gilchrist asked if the open space to the north has been reduced. Mr. Prestwich stated that there are no issues with compliance and the open space requirement since they are only shifting boundaries. The request was found to comply with the Ordinance and the original approval.

The applicant, Tom Spencer, was present on behalf of Wright Homes, which is operating as Rose Creek Lofts, LLC. The proposed property shift measures 1.25 feet and was from when the property line was originally laid out by Ensign Engineering. At that time, it did not meet the Fire Code separation between the building and the building immediately to the southwest. No change was proposed to the total open space.

Chair Gilchrist opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Matheson moved that the Planning Commission APPROVE PLZ-23-1005 “Lofts at Rose Creek Crossing Phase II Amended” located at 13641 South Stone Rose Lane with the following conditions:

- 1. Address any outstanding Riverton City staff redline comments on the plat and plans.**
- 2. The applicant must obtain any necessary approvals or permits from applicable outside agencies or jurisdictions, including utility companies that have an interest in any PUEs on the subject properties.**
- 3. The amendment shall be approved by and recorded with the Salt Lake County Recorder's Office.**

Commissioner Cluff seconded the motion. The motion passed with the unanimous consent of the Commission.

B. RIVERTON COVE AMENDED, PLZ-23-8019, AN APPLICATION FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN LOCATED AT 12900 SOUTH 1830 WEST. APPLICANT – RYAN KENT.

Mr. Prestwich presented the Staff Report and stated that the above application is for an Amendment to a previously approved Site Plan for Riverton Cove. The subject property is located at 12900 South 1830 West. An aerial view of the property was shared. The project has been approved and recorded, and homes are under construction with some occupancy. The project was originally approved with gates at both access points as proposed by the developer with the condition that the south access point onto 12960 South be an exit only. The applicant was identified as Ryan Kent. It was brought to the attention of Mr. Kent that the gates had yet to be constructed and Staff requested input on timing. Mr. Kent returned to Staff with the request that he not be required to build the gates. Staff informed him that that could not be approved at the Staff level and requires Planning Commission approval since it is an amendment to the Site Plan. Despite the gates not being a required element, it was an element of the approval.

Mr. Prestwich reviewed the application and stated that the access point onto 1830 West was identified in the plan and reflects a center median, the call access pad, and a Knox box that contains the emergency access key. Posts were put into the ground for the gate structure which was later removed and the asphalt patched. A second gate on 12960 South was

described, which also included a Knox box. One of the concerns expressed was that the dimensions of the roadway were perhaps prohibitive. Mr. Prestwich presented images of a 28-foot gate at the Vista Development as well as a gate with a 25-foot right-of-way located on a private lane off 1300 West. From a technical standpoint, gates and various installation methods can be used for the width available. He believed the applicant showed in his plans the center median and gate could potentially be reconfigured. He reiterated that the applicant is requesting the ability to not install or remove from the approved plans the requirement for gates at the two access points.

Commissioner Cannon recalled when this was first reviewed, the project was a higher density than is shown on the Master Plan. He believed he may have been more acceptable to a higher density zoning because of the gates. Mr. Prestwich confirmed that the original Master Plan reflected .25-acre lots and felt his view was relevant and best determined by the Commission. The project is required to return before the Commission as he believed Staff should not make judgment calls as to what elements were important. Whether it would have been approved without gates was part of what should be considered.

Commissioner Matheson asked if the request to eliminate the gates was based on anything other than a financial burden. Staff suggested that the question be directed to the applicant.

Commissioner Park asked if a redesign of the gate from what is shown on the plan requires additional approval from the Planning Commission and the Planning Department. Mr. Prestwich confirmed that the plan will require review from both bodies if a different type of gate or configuration is to be considered. The primary review would need to be conducted by the Fire Department.

Chair Gilchrist asked that if the Planning Commission maintains the requirement for the gate will a redesign of that specific aspect of the plan require additional approval by both Planning bodies or if a redesign was possible with approval from the Fire Department. Mr. Prestwich encouraged the Planning Commission to include its desire in the motion, which would specify approval of a redesign of the gate to be reviewed at Staff level subject to the Fire Code and other ordinances.

Commissioner Rushton asked Staff if they can locate the original application and conditions. He questioned if the request is determined to be part of the application and approval process and is a Homeowners Association ("HOA") issue if it is something the City would get involved in. City Attorney, Ryan Carter, responded that Staff does not know what kind of impact the request will have on an HOA if established. They were also unaware whether there was an HOA functioning at the time the application was submitted and whether any property had been placed under contract by any prospective buyers. He reported that where this has already been presented, they could be looking at affecting investment-backed expectations that property owners might have on the property. He believed they should exercise caution and decide where the City stands in relation to those with an interest and who are willing to come forward.

Commissioner Park reported that during a public hearing, it was stated that fees have been paid and properties purchased based on the gated community idea. He asked what sort of

action the property owners are entitled to if this body takes action to remove the gates. Mr. Carter stated that he cannot put himself in a position where he represents the legal interest of any prospective buyer and was not in possession of the contracts. He was unsure if the lots had been placed in a contract or closed. It was believed that the proposed action may potentially put the City at risk and impact the investment-backed expectations of the purchasers.

The Staff Report conditions were referenced. A question was raised regarding if the gate was removed adjacent to 12960 South, they would not be able to control that as an exit only and would violate the condition of approval. Mr. Prestwich stated it would make compliance much more difficult and was uncertain of another method that would satisfy that condition. Mr. Carter added that the exit-only provisions are material as they went to traffic flow as it interfaced with the public streets. The challenge the Planning Commission faces is in the event the gates are removed how would the City go about ensuring an exit-only system is in place that is just as reliable as gates. If they were to entertain the removal of the gates, they would need to exercise caution when looking at how they can maintain an exit-only provision as effectively as the gates would deliver. It was confirmed the original approval took place on October 28, 2021.

Commissioner Cannon found it interesting that Staff provided an example of a 28-foot gate located in the Vistas development that includes 54 homes. He believed it had been adequately maintained for over 20 years and questioned what would happen if the developer came back with another amendment to remove something else that had been promised to the home buyers. Staff explained in cases where a developer fails to perform or meet requirements and standards, it becomes an enforcement issue.

Commissioner Cluff asked if there was a certain point when the developer would have been or will be required to have the gates in place. Mr. Prestwich stated that the response from the applicant was that during the major construction of the development and came to a head when they notified the developer, they could proceed no further without the gates in place to meet that requirement.

The applicant, Ryan Kent, was present representing Riverton Cove Partners. He appreciated the input and wished to have a healthy discussion regarding how they should install the gates. He reported that his children live in the subdivision and are not opposed to the gates. Consultants and contractors have been dealing with the design and installation of the gates and unexpected issues came up. The designs depicted in the plan were double gates opening inward with the flow of traffic. There is a home located on the furthest south lot and when opened, the gate would almost touch the driveway. After the gates were designed, the fencing company was on the property with one-half of the gates and when installing the posts, they struck the storm drain. He confirmed that a larger gate was considered with the removal of the median and shifting the post to the south but discovered the entire park strip is full of fiber, power, and utility lines. There is a sidewalk to the north of the entrance where a single gate may be a solution. Snow removal was of concern. He believed there may be room for a 36-foot wide, single-hinged gate on the north side of the road with access off of 1830 West and a single pinned hinge gate could also be considered

on the west side of the 12960 South access. He pointed out they have budgeted and planned for the gates and asked for direction as to what is the right thing to do.

Commissioner Rushton asked if there was any evidence of any type of determination from an engineering firm or gate company stating the impossibility of gate installation at these locations or demonstrating the shared issues. Mr. Kent replied that he did not state it was impossible but impractical and may not be the right thing to do.

Commissioner Park commented that the applicant started his statement by saying the gate installation cannot be done but then provided several options. He understood the installation can be done but not the optimal design or experience that was desired when plans were drawn. It felt there is more than ample room in both locations to allow for adjustment and meet the fire code. He asked if there was a solution that maintains the original stipulations placed on the development by the Commission if they were to put forth a motion that allowed for a redesign of the gate system. It was Mr. Kent's understanding and experience that the gates cannot be completed as designed. He confirmed that to maintain the integrity or idea of the original plan, a gate can be built but would need a redesign.

Commissioner Cannon found fault with the engineering design of the east entrance and questioned increasing the width of the east road to provide access past the gate. It was Mr. Kent's opinion that although there may be issues with the engineers' and consultants' design, he believed it was too late to mitigate the issue with the storm drain placement and utilities located in the park strip. There is a sidewalk to the north, and he believed it not necessary to expand that side of the road and indicated there is adequate space for a redesigned single-arm gate hinged on the north side.

Mr. Prestwich acknowledged that the Planning Commission may provide direction but is not required to specify or comment on design. He suggested that a motion could include a redesign requirement and authorize Staff to work with the developer to redesign the gate. It is not necessary to include any kind of requirement or direction as to the type of gate as it will be subject to other requirements including the Fire Code.

A Commission Member struggled with the idea that because the utilities' location conflicts with the design, the gate construction cannot be completed. He has worked on hundreds of projects where utilities have been relocated and is not uncommon. He pointed out the utilities are located within the project because the developer put them there. Mr. Kent found validity in the point. The storm drain was tied into an existing storm drain on 1830 West and was not involved in the design of the power and fiber. The south access appeared more appropriate as an exit and entrance and noted their traffic study did not support the exit-only design. He requested clarification and guidance on what would be appropriate.

Commissioner Matheson stated that he had visited the subject property and found the roads to be small. He understood the feeling of the residents benefiting from the gate by eliminating random vehicles driving through the neighborhood. The idea of having the exit-only access having a metal traffic spike system was discussed. He felt that the main access should be located along the east road and asked about the developer's preference. Mr.

Kent's understanding was that the one-way spike systems are not allowed in residential neighborhoods and are a safety concern.

Chair Gilchrist opened the public hearing.

Megan Chan reported she lives in Riverton Cove and purchased her home knowing that the development would be gated. She has to cross the street to access the sidewalk and a gate is desired to eliminate unnecessary cars to increase walkability. Although a gate helps improve property values, it also provides safety. She was disappointed to learn of the conflict from Riverton City rather than the developer.

Mr. Prestwich reported that all electronic comments were forwarded electronically and printed for the Commission's review.

Kevin Rasmussen identified himself as the owner of Lot 12. He purchased the Lot for the added security of the gate, which was a selling point. A contractor is actively advertising the homes with rental basements in the development, and he expressed concern about the potential increase in traffic. It was his opinion that the gates need to be constructed.

John Hang commented that the southwest side of the street does not include a sidewalk. He believed what is proposed would be an appropriate location for the hinge of the gate and could be designed to swing away from Lot 1. He felt that the main entrance design could be reconfigured and believed there is space to work around.

There were no further public comments. The public hearing was closed.

Commissioner Rushton reported that the subject property was originally an infill development with higher zoning than the surrounding area. Impact and traffic concerns were considered through input from the community. With these kinds of projects, the development presents either a gated community with a higher density or senior developments. The subject property has always been presented as a gated community and a condition on the Site Plan. He felt it should be left as it was with conditions of approval and with some kind of a timeframe, the expectation should be to have the gates installed.

Commissioner Park agreed with Commissioner Rushton's comments and suggested a number of different designs be put in place. He was opposed to the request to eliminate the gates and asked for direction to provide the opportunity for a redesign to meet the original intent of the Commission when approved. Mr. Prestwich reviewed the motion should they wish to deny the application and direct Staff to work with the applicant on any necessary redesign of the gates.

Commissioner Rushton asked Staff if it is within the Commission's purview to set a reasonable time for installation. Mr. Carter explained there are Certificate of Occupancy requirements and Staff does not intend to retreat from those deadlines as the project moves forward. The infrastructure would need to be installed before Certificates of Occupancy are issued or a fixed deadline may be added.

Commissioner Cannon was impressed by the developer's finished product and the work provided to get to that point. He believed there was no more blighted area in Riverton City than the subject property. If the original density would have held with the increased road width and fewer lots, it would have created a four or five-lot difference. The density granted was a huge benefit to the developer and approval was based on all of the items discussed.

Commissioner Park referred to the deadlines and Certificates of Occupancy and asked what would be reasonably required. Mr. Prestwich stated there have been instances where they have suspended permits and inspections based on requirements not having been met.

Commissioner Matheson moved the Planning Commission DENY PLZ-23-8019 Riverton Code Amendment to a previously approved Site Plan located at 12900 South 1830 West and direct Staff to approve administratively any necessary redesign of the gate subject to applicable Riverton City and International Fire Codes. Commissioner Rushton seconded the motion. The motion passed with the unanimous consent of the Commission.

3. DECISION ITEMS

A. None.

4. DISCUSSION ITEMS

A. None.

5. MINUTES

A. 10/12/23 Planning Commission Meeting Minutes.

Chair Matheson moved that the Planning Commission APPROVE the Planning Commission Meeting on October 12, 2023, as reported. Commissioner Gilchrist seconded the motion. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

The meeting adjourned at approximately 7:37 p.m.