

COUNTY OF SEVIER  
CITY OF RICHFIELD

At the Planning Commission  
In and for said city  
November 1, 2023

Minutes of the Richfield City Planning Commission meeting held on Wednesday, November 1, 2023, at 6:00 p.m., Chairman Josh Peterson, presiding.

1. **Roll Call**
  2. **Conditional Use Permits/Home Occupation Permits**
    - a. **Pablo Galeana** – To request permission to install a drive through at 690 E 300 N, Los 5 Amigos, C-1 use in a CS Zone.
  3. **Short term rentals**
    - a. **Sawyer Phelps** to request approval to operate an STR at 911 W 1080 S, C1 Use in an RI-11 zone, #11 of 39 in STR Zone 3
  4. **Development Review**
    - a. **Todd Riches** to discuss the remainder of the Trailhead Resort development for possible approval.
  5. **Public hearing –**
    - a. **Richfield City Zoning Ordinance Update** - The City is proposing various text amendments to the City’s Zoning Ordinance to address clarity and correctness issues, consolidate and update procedural requirements for consistency with State requirements, and improve public transparency, administration, and enforcement by codifying zoning requirements into Title 17 of Richfield City Code.
  6. **Action on Public Hearings –**
    - a. **Richfield City Zoning Ordinance Update** - Discuss final changes to City’s Zoning Ordinance to address clarity and correctness, consolidate and update procedural requirements and improve public transparency and recommend adoption.
  7. **Minutes Approval**
    - i. Consider approving minutes of Oct. 11, 2023.
  8. **Other Business**
  9. **Adjournment.**
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1. **Roll Call- Present:** Josh Peterson, Blaine Breinholt, Susan Jensen, Lisa White, Wes Kirshner, Zach Leavitt.  
**Excused:** Wayne Cowley.  
Also present Todd Riches, José Galeana, Pablo Galeana, Sawyer Phelps, Branden Anderson and Deputy Clerk David Anderson
  2. **Conditional Use Permits/Home Occupation Permits**

- 1 a. **Los 5 Amigos** restaurant addressed the commission asking for permission to  
2 install a drive-through at 690 E 300 N in Richfield. The drive-through is a C-2 use  
3 in a CS Zone.  
4 Pablo Galeana said the restaurant plans to add a small addition to the west side  
5 of the building which would allow for a drive-through access. Pablo presented  
6 drawings that illustrated how the flow of traffic would work, with cars  
7 approaching the drive-through from the north, picking up orders on the west  
8 side of the building and then heading south, turning east behind the building and  
9 then exiting on to 700 East. The drive through is similar to Taco Time in concept.  
10 Chairman Peterson asked how far back the Los 5 property goes, to make sure  
11 there is room for the proposed routing of drive-through customers.  
12 Pablo said there is sufficient space for the proposal as well as four exits from the  
13 property.  
14 Commissioner White motioned to recommend approval of the proposal with the  
15 note that the use is a C2 use and would have to be approved by the city council.  
16 Commissioner Brienholt seconded the motion. The motion passed with Josh  
17 Peterson, Blaine Breinholt, Susan Jensen, Lisa White, Wes Kirshner and Zach  
18 Leavitt voting aye.

19  
20 3. **Short term rentals**

- 21 a. **Sawyer Phelps** requested approval to operate a short-term rental at 911 W 1080  
22 South, C1 Use in an RI-11 zone, #11 of 39 in STR Zone 3.  
23 The home is part of a duplex with three bedrooms, two and half bathrooms with  
24 adequate parking. Phelps said he plans on using it for nightly rentals, with the  
25 possibility of long-term rental later.  
26 Commissioner White asked if there were any CC+Rs attached to the property,  
27 which there were not.  
28 **Commissioner Brienholt motioned to approve the short-term rental.**  
29 **Commissioner White seconded the motion.**  
30 **The motion passed** with Josh Peterson, Blaine Breinholt, Susan Jensen, Lisa  
31 White, Wes Kirshner and Zach Leavitt voting aye.

32 4. **Development Review**

- 33 **Todd Riches** discussed the Trailhead Resort development, addressing four  
34 primary issues.  
35 a. First he requested approval of the remainder of the site. The building layout was  
36 approved in a previous meeting, but the amenities on the north side of the  
37 development haven't been reviewed or approved by the commission.  
38 Commissioner White asked if the new building three is the tower on the  
39 northwest side of the property. She also asked why the tower was as tall as it  
40 was.  
41 Todd Riches said the tower's height is a function of signage. The property sits  
42 well below the road, so the tower would elevate the signage and give drivers  
43 along 1300 South a better view of the facility's offerings.

1 Chairman Peterson asked about the access on the north side of the property,  
2 which Riches said is gated and included primarily for utility and facility  
3 management, and he anticipates it being closed 90 percent of the time.

4 Riches explained the development would have a pool, children’s playground,  
5 pavilion, pickleball court, basketball court, landscaped and lawn area and the  
6 tower, which doubles as a garage/storage facility.

7 Chairman Peterson said he feels like it looks like a nice development overall.

8 Riches said sheet 101-8, which was created after commission packets were put  
9 together, details an area designed to support the use of the pool with changing  
10 rooms and other support facilities inside building 2.

11 White asked about the landscape lighting, to which Riches said the locations are  
12 not determined as yet. White asked what the requirements for landscape lighting  
13 are.

14 Riches said there is a plan to make sure the facility is lighted. It is also completely  
15 fenced.

16 Chairman Peterson said the UDOT fence to the north needs to be untouched as  
17 the development moves forward. Riches asked if UDOT would want him to pull it  
18 out and replace it as it is dilapidated, but Peterson said to ask UDOT first.

19 Commissioner White asked what exactly is being approved tonight. Chairman  
20 Peterson said the last time Trailhead was on the commission agenda, the site  
21 layout of the buildings to the south was approved, but tonight it would be the  
22 north portion of the property site layout where the amenities such as the pool  
23 are located.

24 **Commissioner Brienholt motioned** to approve the first item, the amenities  
25 portion of the site layout of the Trailhead Resort. **The motion was seconded by**  
26 **Commissioner Jensen. The motion passed** with Josh Peterson, Blaine Breinholt,  
27 Susan Jensen, Lisa White, Wes Kirshner and Zach Leavitt voting aye.

28 **b.** Riches asked about the possibility of having the site approved as a mixed-use.

29 Chairman Peterson asked about the status of the city’s mixed-use definition.

30 Deputy Clerk Anderson said the city council has adopted it, but rather than as a  
31 definition, it is now part of the use table. The mixed-use designation requires 33  
32 percent be generally available to public use, such as retail or restaurants.

33 Riches said his proposal is to have 21 units that are in a condo-layout format.

34 Essentially most of them are to be leased out on a time-share type of format,  
35 with people purchasing shares in the units. However, there has been some

36 interest in people wanting to buy entire units, but that isn’t allowed under the

37 current zoning without a mixed use. He said if he were approved for a mixed use,  
38 he’d use the back unit as long-term condos and the front unit as the time share

39 condos. Riches said he anticipates only a handful of people wanting fulltime  
40 ownership of the units.

41 The longest term on the others would be a month, with most staying a week

42 here or there. Building A has some retail on the bottom level that is

43 approachable by the public, so a mixed use would make more sense, Riches said.

1 The primary goal is to lease out or sell shares in the units. He said people who  
2 have RM-24 or RM-11 would have an edge on being able to sell entire units, so  
3 the mixed use would give him have access to both marketing the development  
4 with both options.

5 Each unit would have three bedrooms, three bathrooms with full kitchens.

6 Chairman Peterson asked what the appropriate zone would be.

7 Deputy Clerk Anderson said the mixed-use functions like an overlay zone. He  
8 outlined the specifications for the mixed-use – it can't exceed RM-24 density in  
9 any case, but has to conform to the density of the nearest residential zone.

10 Riches said the density would conform to an RM-11, with 21 units in over two  
11 acres of property. He said building A would be short-term housing, which would  
12 be more like a hotel, while building B would be the long-term housing. Riches  
13 said the hotel function would in his understanding fulfill the commercial  
14 requirement.

15 However, Chairman Peterson said it has to be things like shopping and  
16 restaurants.

17 Deputy Clerk Anderson said the reason the mixed use was addressed in the first  
18 place was to prevent hotels from converting into high density housing and using  
19 the hotel function as justification for a mixed use.

20 Commissioner Peterson said the development fits better as a condominium in an  
21 RM-11 zone, rather than a commercial zone.

22 Commissioner White clarified that amenities, such as the pool, are only available  
23 to people who are staying in the facility, not the public at large.

24 Anderson asked if each unit would have its own sewer connection and water  
25 meter, which Riches said they would.

26 If condos are allowed in commercial general, there is not a need to change the  
27 zoning, said Commissioner White. However, she found in the code that  
28 condominiums are allowed only in the RM-11 and RM-24 zones, and not in any  
29 commercial zones as per city code.

30 Chairman Peterson said the proposal doesn't meet mixed use as defined by the  
31 city code. He asked if Riches would prefer to keep the current plan and apply to  
32 be rezoned.

33 Riches said he would prefer to be rezoned, and then convert the retail he has  
34 planned into an additional unit. He said he would be better off with parking and  
35 would be able to fence off the entire facility.

36 Commissioner Kirshner asked where the one solo unit is located. The single unit  
37 of the 21 total units is due to some of the area in building B being used as a pool  
38 room and other uses.

39 There will have to be a public hearing for a rezone at the next planning  
40 commission meeting, along with approval from the city council. Commissioner  
41 Peterson said the commission will revisit this issue next month.

- 42 c. Riches discussed the right-of-way improvements to the property, specifically C-  
43 200 civil drawing. The cross section of the required street, sidewalk and curb and

1 gutter. He said there is still 11 to 12-feet from his property line to the sidewalk,  
2 and wondered if the city would simply deed the extra space over to him so it can  
3 be incorporated into the property. It would eliminate the need for a retaining  
4 wall and would create a better buffer for the property that the Trailhead would  
5 maintain.

6 Riches said the 11-foot strip would remain undeveloped, but he'd rather grade it  
7 down, landscape it and maintain it.

8 Commissioner Kirshner said the commission can't make that decision, only the  
9 city council. However, the proposal does make sense, said Commissioner  
10 Breinholt.

11 Chairman Peterson said in his experience, the city wouldn't want to sell it  
12 because of potential right-of-way issues in the future, but enter into a landscape  
13 agreement. This would allow Riches to maintain the property as though it were  
14 his own, but allow for the right-of-way to be maintained if a future expansion of  
15 the road needs to be done. Properties like Les Schwab also have entered into  
16 similar agreements.

17 Commissioner White said deeding over the property would be an aggressive  
18 move, but the agreement approach would benefit both parties.

19 Riches said he wants to make sure he is getting something out of the agreement  
20 before entering into it, and there are possibilities. Commissioner Kirshner said  
21 the eliminating the need for a retaining wall would be a benefit, as well as the  
22 appearance of the property.

23 **Commissioner White motioned** that the commission recommend that the city  
24 council consider entering into a landscape agreement with Riches, the details of  
25 which to be sorted out by the council and Riches. **Commissioner Breinholt**  
26 **seconded the motion. The motion passed** with Josh Peterson, Blaine Breinholt,  
27 Susan Jensen, Lisa White, Wes Kirshner and Zach Leavitt voting aye.

- 28 d. Riches wanted to review the setbacks and make sure they would be compatible  
29 with city ordinance.

30 Chairman Peterson said the zoning should be tied to the proposed rezoning. The  
31 front setback is 30 feet, rear 15 feet and the sides are eight in RM-11.

32 Commissioner White said currently the setbacks shown on the plan call for a 20-  
33 foot front setback. However, Riches said the plans are actually in error and that  
34 the front is actually the south side, while the rear is on the north side.

35 Commissioner Breinholt said it appears the setbacks do meet the RM-11  
36 standards.

37  
38 5. Public hearing –

- 39 a. Richfield City Zoning Ordinance Update - The City is proposing various text  
40 amendments to the City's Zoning Ordinance to address clarity and correctness  
41 issues, consolidate and update procedural requirements for consistency with  
42 State requirements, and improve public transparency, administration, and  
43 enforcement by codifying zoning requirements into Title 17 of Richfield City

1 Code. Chairman Peterson opened the public hearing at 7:03 p.m., and upon  
2 hearing no comments, closed the hearing at 7:03 p.m.

3 **6. Action on Public Hearings –**

4 a. **Richfield City Zoning Ordinance Update** – The commission discussed the final  
5 changes to City’s Zoning Ordinance to address clarity and correctness,  
6 consolidate and update procedural requirements and improve public  
7 transparency.

8 Chairman Peterson said the commission has gone through the ordinance  
9 extensively.

10 Deputy Clerk Anderson brought two items to the table to discuss prior to the  
11 ordinance being adopted.

12 First was the corner lot setback requirements. Currently, there is a front yard  
13 setback of 25 feet and a rear setback of 20 feet and 10 feet in the side yards for  
14 commercial development. However, nothing accounts for how corner lots in on  
15 the non-residential development table.

16 Anderson asked if this is something Planning Specialist Kendal Welch should look  
17 at prior to adoption.

18 Chairman Peterson asked what was done in the residential zones. In the  
19 residential standards table, there is a requirement the if no driveway is proposed  
20 in the corner side yard, 15-feet from the right-of-way line of an existing or  
21 proposed public street or 56 feet from the centerline of any existing proposed  
22 street, whichever is greater.

23 Commissioner Kirshner said essentially the city just needs to have something  
24 similar to in place for the commercial.

25 Commissioner White said she favors the solution reached for residential corner  
26 lots, which provided for the line of sight. She said perhaps do the same thing for  
27 commercial, but slightly larger.

28 Planning Specialist Welch said one option is to match what is required for the  
29 front setback for the corner setback, which would preserve adequate space. If  
30 there is worries about unutilized property, something along the lines of 10 feet  
31 may be more appropriate. In some cities, industrial zones allow building right up  
32 to the property line, but on corners there is still enough preserved to allow for  
33 sidewalk and other improvements.

34 The corner lot issue is one the city has had problems with in the past, said  
35 Commissioner Breinholt. He said commercial is different because there are  
36 different setbacks and other issues involved.

37 Another option would be to match the front set back and the 10-foot setback on  
38 the side that is required in the residential zones, Welch said.

39 Commissioner Peterson said using the Trailhead Resort property as an example,  
40 the front would require them to be 25-feet off the road. They would still have  
41 clear view to the left due to the front setback. However, requiring that on the  
42 side would limit the ability for the owner to develop the property. Peterson said  
43 a 10-foot setback on the side would be appropriate. Black Bear Diner on Main

1 Street is an example of a building that isn't set back much more than 10 feet and  
2 there is good visibility at that intersection, Commissioner Breinholt said.

3 Welch asked if there was a landscape buffer required, and in some communities  
4 the landscape buffer is larger than the setback. She said she didn't find anything  
5 in the code specific to landscaping.

6 Peterson said five feet is not enough and that he prefers some type of buffer  
7 between the sidewalk and the building, both as a safety feature and providing a  
8 more finished look.

9 Commissioner White said in Section 1620, it basically says the zoning  
10 administrator has the ability to increase the clear view area based on various  
11 factors to increase the safety and visibility. If the city requires a 10-foot setback  
12 and there is a problem, there is the ability to modify it.

13 She said it makes sense to have the 10-feet unless it's a special situation.

14 Commissioner Peterson said he would like a corner section added to the table  
15 just to avoid confusion. He then asked the commission their feelings on the 10-  
16 foot setback, and each member agreed it was appropriate.

17  
18 The next item discussed was convenience store canopies. Most convenience  
19 stores have canopies over their fuel islands. However, in Richfield the space that  
20 can be covered by these canopies is limited to no more than 3,000 square feet or  
21 the square footage of the store, whichever is smaller (old Table 31-2). This may  
22 be outdated, as many of these types of facilities are now being built with fuel  
23 islands designed both for larger vehicles including RVs, buses and such as well as  
24 islands designed for smaller class vehicles – similar to the new Maverik in Salina.  
25 Deputy Clerk Anderson said a developer has raised the question as it would limit  
26 what they could do with some property in the city, so it was brought to the  
27 planning commission's attention.

28 Chairman Peterson said someone else had approached him outside of his zoning  
29 duties, so it is an issue that should be addressed. He said someone told him the  
30 reason they picked a location for a gas station was because it wasn't limited as it  
31 was in Richfield. He said he doesn't want to restrict businesses coming to our  
32 town. Perhaps the city could limit the size of canopies, but allow for multiple  
33 canopies.

34 Commissioner White asked what the purpose of the limitation was in the first  
35 place. Commissioner Kirshner asked when the limit was done, and pointed out  
36 many newer convenience store locations have canopies that are larger than the  
37 actual store.

38 A canopy that is 30' by 100' may not be big enough, Peterson said.

39 Commissioner White asked if something like that would be built away from the  
40 freeway interchanges. Travel centers don't have the same restriction under the  
41 city code, but are limited to within 500' of a freeway interchange.

1 Commissioner Leavitt said it sounds like there is a need for fuel pump islands to  
2 be covered, but the commission doesn't seem very concerned with how large  
3 the covers are.

4 It is a convenience to the customer, according to Commissioner Breinholt.  
5 The reasoning behind the original restriction is something Commission White  
6 said she would like to understand – why did it make sense at the time?

7 Perhaps the original concern was something to do with preserving the character  
8 of Main Street, Commissioner Kirshner said.

9 Deputy Clerk Anderson said the individual he spoke with said the other limiting  
10 factor is the store size. The new Salina Maverik is approximately 5,800-square  
11 feet with two canopies measuring 2,400-square feet and 4,500-square feet.  
12 Commissioner Breinholt questioned why the city is limiting it if they own the  
13 property.

14 Rather than change the convenience store specifications, perhaps the answer is  
15 to modify the interstate travel plaza restrictions, Commissioner White said. Her  
16 suggestion is to allow those types of developments to be located further than  
17 500 feet from an interstate, and the future developments could apply under that  
18 designation.

19 White suggested the restriction be loosened to within a mile of a travel plaza.  
20 One question is does the City care where along 1300 South a travel plaza is  
21 located?

22 Chairman Peterson said perhaps the answer is to say convenience stores are one  
23 size, and travel plazas are another size. White said then don't allow travel plazas  
24 in downtown, but allow them in commercial shopping, commercial general and  
25 even industrial.

26 Commissioner Leavitt said travel plazas should just be restricted out of  
27 downtown and residential districts. Commissioner Kirshner said all travel plazas  
28 should be a conditional use in addition to Leavitt's suggestion.

29 The consensus is that convenience stores will stay the way they are in the code.  
30 Travel plazas will be allowed in non-residential zones, except downtown, with no  
31 other location limitation as a conditional use. Chairman Peterson said one  
32 stipulation could be that it can't be contiguous to a residential or downtown  
33 zone.

34 Welch suggested that the limitation be tied to the type of roads rather than the  
35 zones. Commissioner White said make the limitation that they are required to  
36 have an access to an arterial road.

37 **Commissioner White motioned** that commercial corner lots have a minimum of  
38 10 feet spacing on the side to preserve clear view areas at intersections and that  
39 any gas station larger than 5,000 square feet is a travel plaza, which is no longer  
40 subject to a distance limitation, but instead a limitation that they be located with  
41 access to an arterial road. **Commissioner Jensen seconded** the motion.

42 **The motion passed with Josh Peterson, Blaine Breinholt, Susan Jensen, Lisa White,**  
43 **Wes Kirshner and Zach Leavitt voting aye.**

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7. Minutes Approval

Commissioner White motioned to approve the minutes of the October 11 meeting with no changes. Commissioner Kirshner seconded the motion. The motion passed with Josh Peterson, Blaine Breinholt, Susan Jensen, Lisa White and Wes Kirshner voting aye. Zach Leavitt abstained as he didn't attend the October 11 meeting.

8. Other Business

Commissioner Breinholt asked about the property near the hospital asking him about doing a perc test. He questioned why they would want to as the soils in that area are all sand and gravel and the test would show the water draining into the ground. He said he understood why they'd want to check, but that the soil would easily pass the test.

Adjournment. Commissioner White motioned to adjourn. Commissioner Jensen seconded the motion. The motion passed with Josh Peterson, Blaine Breinholt, Susan Jensen, Lisa White, Wes Kirshner and Zack Leavitt voting aye.