

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
APRIL 11, 2024**

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:

Evan Matheson, Chair
Monique Beck
Shelly Cluff
Jon Gilchrist
Darren Park
Troy Rushton

Staff:

Jason Lethbridge, Development Services Director
Matt Cassel, City Engineer
Lisa Halversen, City Planner
Ryan Carter, City Attorney
Tim Prestwich, City Planner

1. CALL TO ORDER/ROLL CALL

Chair Evan Matheson called the meeting to order at approximately 6:30 PM. The Pledge of Allegiance was led by Commissioner Park.

2. PUBLIC HEARINGS

A. "LITA'S HOUSE," PLZ-24-2013, A CONDITIONAL USE APPLICATION FOR A HOME DAYCARE AND PRESCHOOL TO BE LOCATED AT 4763 WEST SALISH CIRCLE. APPLICANT - ARIADNA CROCKETT.

Planner Lisa Halversen presented the Staff Report and stated that the request is for a daycare and preschool to be located at 4763 West Salish Circle. The property backs up to the Mountain View Corridor at the end of the cul-de-sac on the western side of the City. The lot is .17 acres in size and is in the Western Springs Neighborhood. The zoning is RM-6 as are the neighboring properties. The applicant, Ariadna Crockett, will be renting the home from her daughter who is the homeowner. Ms. Crockett's daughter will move out in May and Ms. Crockett will move into the home in June. The Code requirements have been met as Ms. Crockett will be occupying the home. Ms. Crockett obtained a Permission Letter from her daughter permitting her to operate a home daycare and preschool business.

The home has two stories with a finished basement, an attached two-car garage, and a two-car driveway at the end of a tight cul-de-sac. Ms. Crockett would like to care for 12 children per day who will arrive and leave at different times. The business will operate from 7:00 AM to 5:30 PM. Ms. Crockett's sister will be her only employee. They will care for children from five months to five years of age. Ms. Crockett stated that she and her sister both have childcare certifications.

Ms. Crockett plans to care for up to four infants in the home. Of the 12 children, four will be infants with three being relatives. The property has a fenced yard. Ms. Crockett plans to invest in a play area for the children in the back of the home. To mitigate traffic, she proposes to give each person an assigned six-minute interval for drop-off and pickup on her

driveway or inside the garage. The vehicles in the cul-de-sac will be limited to one at a time. If anyone is parked in her driveway, the parents will be instructed to wait outside the cul-de-sac for their turn in order to mitigate traffic concerns.

The site plan was presented. Ms. Crockett proposes to use a portion of the main floor for daycare use. She and her husband will live upstairs and her mother will stay in the basement. The mailer was sent to the neighbors and three comments were received. The concerns raised primarily pertained to parking and traffic.

Ms. Crockett's daughters' dogs will move off the property in May. Many of the cars that currently park in the cul-de-sac will no longer be there. Ms. Crockett's vehicle will be the only one parked on the premises after June. A Conditional Use Permit is required because the applicant is requesting to care for 12 children, which is the maximum. It was noted that home occupation childcare shall not generate more than 24 vehicle trips a day. Ms. Crockett will have nine vehicles that are not relatives or 18 vehicle trips per day, which is under the requirement. The State will conduct inspections of the outdoor play area and the site. The proposed conditions were reviewed.

Commissioner Park asked if it was a requirement that the State Inspection be performed and a copy submitted prior to licensing. Ms. Halversen stated that the applicants must receive Conditional Use Permit approval before they can schedule State inspections. City Attorney, Ryan Carter commented that it would be reasonable to require as a condition that the applicant submit a copy of the State Inspection Report to the Planning Department. The applicant will not be issued a Business License without State licensure.

Commissioner Cluff asked about the number of vehicle trips if the business was limited to eight children. Ms. Halversen stated that it would normally result in 16 vehicle trips. If there were eight children, however, and three were family members, the number of vehicle trips would decrease to 10 vehicle trips.

Chair Matheson was concerned that the lane is quite narrow with a small driveway. He was concerned that there would be a lot of congestion on the cul-de-sac and recognized the concerns of the neighbors. He wondered if an application would be brought before the Commission if fewer than eight children were being cared for. Ms. Halversen explained that if there are more than eight children, a request must come to the Commission. If there are eight or fewer it may still come to the Commission if there are concerns. Mr. Carter stated that a reasonable condition would be to specify that if the number of children is greater than eight, the applicant would need to renew the Conditional Use Permit application for further review of the Traffic Plan.

The applicant, Ms. Crockett spoke to commissioners. She said that she was aware of the neighbors' concerns about parking and stated that currently, she cares only for family members. She and her sister are both retired teachers and they realize the importance for parents to have someone they trust caring for their children. She has a certification and 144 hours in Child Development. With regard to parking, she makes arrangements with the

parents to have one or two children picked up or dropped off at the same time. She also plans to have cameras installed outside for her protection and to manage traffic.

Commissioner Gilchrist referred to the application and was concerned that the non-resident employee will park on one side of the small driveway. Ms. Crockett stated that her sister lives close by and when it snows she will pick her up. She will not bring a car to the site. Ms. Crockett stated that the plan is for her to move into the home where she will operate the home-based business. There will be no dogs on the property.

Commissioner Cluff asked about the reasoning behind caring for 12 children rather than eight. Ms. Crockett stated that the Utah ordinance allows eight children for one person and up to 12 for two people. She was aware that there was a need for childcare in the community.

Chair Matheson agreed that it is something they need more of. He was, however, concerned about parking and the disruption to the neighbors. Ms. Crockett stated that she has encouraged people to carpool. Parents will also have access to the camera to see who is in the driveway. Chair Matheson asked Ms. Crockett if she felt that six minutes was enough time to drop off a child. From the camera, she will see if someone is waiting and will quickly pick up the child. The parents will be well aware of the rules.

Chair Matheson opened the public hearing.

Mitch Larson, a neighbor to the north, asked the Commission if they have ever approved a daycare with this rigorous of a scheduling timeline. He is a professional driver and to get three people to show up when they are supposed to is a feat. He was concerned that there will be changes to the use.

Darren Ward lives three houses to the east of the subject property. He was concerned that there is nowhere to park and that dropping off children could block traffic and add additional danger. He was concerned that it will not be possible to pull in and back out if there are employees. He doubted that anyone will walk to Ms. Crockett's home during the winter months. Some other neighbors also have a trailer that they leave on the west side of the road so if cars are waiting to enter, they will have no place to park. Issues with parking and drop-off were his biggest concerns, particularly in the summer and winter months. There could also be an issue with drop-offs and pickups conflicting with garbage and mail delivery and pickup.

Shirlene Larsen reported that she lives in the home directly to the north. They currently have two teenage drivers and was concerned with the number of cars coming and going. She personally felt there will be more than 24 vehicle trips per day especially since Ms. Crockett plans to leave each day to pick up her employee. That is around the same time they leave home each day as well. Ms. Larsen stated that the fire hydrant gets blocked by the occupants of the home continually, which she was not happy about. The fire hydrant is near the front of the applicant's home near a tree and it cannot be blocked by people pulling into

the driveway at an angle. Ms. Larsen was also concerned that there is no green in the backyard presently and would not recommend allowing the proposed use without it.

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

Ms. Halversen clarified that in the original application, Ms. Crockett asked for eight children but was not aware that that number included children who are relatives. Both the State and City Code allow up to 12 children per session. The applicant will be caring for children aged two to five with four being infants. The children will not all be dropped off at 7:00 AM. That is something Ms. Crockett has control over and can drop-off and pick-up times can be staggered. Ms. Crockett's sister lives nearby and can walk. In inclement weather, she can pick her up to avoid an additional vehicle being parked in the driveway.

Commissioner Rushton asked that staff summarize the benchmarks that move the request from a staff approval to the Planning Commission. Ms. Halversen described the levels for home occupations and stated that the proposed business is before the Commission because of the potential impact based on where the home is situated and the lack of parking. Home occupations prohibit employees from parking on the street. The request is also before the Commission because it exceeds the eight-child threshold.

Commissioner Rushton asked about the history of complaints in the City. Mr. Carter stated that there have been no complaints to his knowledge regarding home childcare or preschools. Ms. Halversen stated that the proposed use will be monitored by the neighbors who will report concerns to the Code Enforcement Officer. Mr. Carter stated that if there are verifiable violations, the permit could be withdrawn. Compliance issues were discussed. Neighbors with issues should contact the Code Enforcement Officer. Ms. Halversen stated that the current occupants of the home have had cars parked on the street, which should no longer be an issue once they move.

With regard to the condition of the yard, it will be up to the State to ensure that it is a suitable environment and is beyond the control of the City. With regard to the concern raised about the fire hydrant, he recommended the Unified Fire Authority's Prevention Bureau since the tree may need to be removed.

A comment was made about the fixed standards, which indicate that only 25% of the main floor living space can be used for the home occupation. The diagram that was submitted shows about $\frac{1}{4}$ of the floor being used, which is not to scale. Ms. Halversen stated that she had not verified the floor area but looked at the rooms that will be used. It seemed reasonable for the applicant to use the bedroom for infant care and the living room for the older children. City Planner, Tim Prestwich stated that the standard is not fixed. The applicant must designate the areas. The qualification is no more than 25% of the total main area.

A question was raised about off-street parking. The recommendation seemed to indicate that the application has appropriately addressed that requirement by staggering the arrival times. Ms. Halversen stated that the applicant will teach one preschool session, which will

have minimal impact. The Code allows up to three sessions but eight children per session. The number requested is half of that.

Commissioner Cluff asked if it would be appropriate to set a lower vehicle limit to incentivize the applicant to find families with multiple children or encourage carpooling because of the nature of the cul-de-sac. Ms. Halversen thought that it was within bounds to set such a limit. The number of cars coming and going seemed to be of concern to the neighbors. Mr. Carter commented that having multiple cars at the home at any given moment will be critical.

Commissioner Rushton agreed with Commissioner Cluff and thought that having tiered trips of 12 children or eight trips that are staggered 12 to 15 minutes apart starting at 7:00 AM would allow for a 90-minute window. Recently, the State has also taken action to encourage cities to provide childcare. Mr. Carter stated that they took away the local choice regarding numbers. The City, in this case, is enforcing the State level. There is a language in the State Code that says that State regulations that are in place cannot conflict with the State Code. In this case, traffic to and from the area should be considered. In terms of maximums, they are adhering to the State standard.

Commissioner Gilchrist agreed that staggering arrival times are important. He was more concerned, however, about the applicant monitoring pickup and drop-off times and making adjustments as needed.

Commissioner Cluff moved that the Planning Commission APPROVE PLZ-24-2013, “Lita’s House”, at 4763 West Salish Circle, subject to the following conditions:

- 1. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, specifically the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. Applicant must obtain and maintain a Riverton City business license.**
- 3. Applicant must obtain and maintain applicable State and Health Department approvals.**
- 4. Home Occupation must operate within the Fixed Standards and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance and with this approval.**
- 5. The Home Occupation may have no more than 12 children per day.**
- 6. The Home Occupation may have up to 16 vehicle trips (8 cars) per day by customers/parents.**
- 7. Customers shall utilize the driveway for drop-off and pick-ups and times will be staggered by 10 minutes.**

- 8. Customers must wait outside the cul-de-sac until it is their turn to drop off or pick up.**
- 9. Applicant may have one full-time non-resident employee**

Commissioner Gilchrist was concerned about the qualification criteria about 25% of the main floor living space and asked if an exception was needed. Mr. Prestwich stated that it was addressed in condition number four.

The motion was seconded by Commissioner Rushton. The motion passed with the unanimous consent of the Commission.

B. "LITTLE TREESCHOOL," PLZ-24-2012, A CONDITIONAL USE APPLICATION FOR A HOME PRESCHOOL TO BE LOCATED AT 3024 WEST DESERT ROSE DRIVE. APPLICANT - BRENDALYN EMBLEY.

Ms. Halversen presented the Staff Report and stated that the request is for Little Treeschool located in Summerfield Phase 2 at 3024 West Desert Rose Drive. The applicant is proposing a traditional preschool model with two sessions. The property is .19-acre in size and is zoned R-4 as are the surrounding properties. The home has two stories with a three-car garage. The applicant is proposing to have 12 children in each session for a total of 24 per day, which is the maximum allowed. There will be afternoon sessions Monday through Thursday. The applicant, Brendalyn Embley will be the only employee. The preschool model will have start and end times when children are dropped off and picked up. A maximum of 24 vehicle trips per day are allowed. This means that 50% of the children will have to carpool, walk, or have alternate transportation.

Three cars will park in the driveway and others will wait in the front for their turn. Ms. Halversen spoke to the applicant about having staggered times. The applicant proposed providing a 10-minute window for better staggering. The applicant has a fenced backyard and is in the process of constructing a pool in the back corner. The Code specifies that the pool should have fencing around it with a self-latching gate. This should be in place before preschool classes start. Ms. Halversen thought it was better for the application to go through concurrently with the pool construction and add it as a condition. The yard serves as the play area.

The home plan was presented with the preschool in the basement. The standards specify that up to 50% of the basement area can be used. Children will come in the front door and down the stairs. Notices were sent to the neighboring properties and only one comment was received. The neighbor across the street was concerned about her mailbox being blocked by traffic. Ms. Halversen thought it may be a reasonable condition to state that the cars that park along the street waiting for their turn, should not block fire hydrants or mailboxes. Ms. Halversen drove by the home, which was orderly and seemed like a good place for a preschool. Some of the allowed 12 children are the applicant's and will not need transportation. The proposed conditions of approval were reviewed.

Commissioner Gilchrist asked if people will be parking on the street. Ms. Halversen stated that the children have to be picked up and dropped off from the driveway where there is plenty of room for parents to come in a staggered window.

Ms. Embley was present and described the operation. She intends to do two classes per day. She did not realize that traffic would be an issue when she made the original plan. In response to a question raised by Commissioner Rushton, Ms. Embley stated that she loves children and has thought about starting a preschool for years. She knows several preschool teachers who have done something similar in their homes. She has also done a lot of research and wants to incorporate American Sign Language ("ASL") into her teaching plans. She stated that there are scientific benefits to teaching basic ASL to small children and it is something she is passionate about.

Commissioner Park wanted the applicant to understand that she will be approved for 24 children per day, however, the limitation is on the number of vehicle trips. The applicant stated that she has thought about ways to work around that. If it doesn't work, she may have to limit class sizes.

Commissioner Cluff asked the applicant when she plans to begin offering classes. Ms. Embley stated that she wants to start at the beginning of the next school year.

Commissioner Matheson opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Rushton moved that the Planning Commission APPROVE PLZ-24-2012, "Little Treeschool", at 3024 West Desert Rose Drive subject to the following conditions:

- 1. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, specifically the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. Applicant must obtain and maintain a Riverton City business license.**
- 3. Applicant must obtain and maintain applicable State and Health Department approvals.**
- 4. Home Occupation must operate within the Fixed Standards and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance and with this approval.**
- 5. The Home Occupation may have up to 12 children per session, and up to two sessions per day, Monday through Thursday.**

6. **The Home Occupation may have up to 24 vehicle trips per day (12 vehicles) by customers/parents.**
7. **Customers shall utilize the driveway for drop-off and pick-ups.**
8. **Customers may not block driveways or mailboxes when waiting for drop-off or pick-up.**
9. **Fencing that meets city code must be installed around the pool before preschool classes may begin.**

The motion was seconded by Commissioner Beck. The motion passed with the unanimous consent of the Commission.

C. "THE CHILDREN'S VILLA," PLZ-24-2006, A CONDITIONAL USE APPLICATION FOR A HOME SPANISH IMMERSION PRESCHOOL LOCATED AT 3558 WEST NEW PRIVATE DRIVE. APPLICANT - ROBYN MONS.

Ms. Halversen presented the Staff Report and stated that the request was previously heard in March and continued. The proposed preschool is located at 3558 West New Private Drive. The applicant is requesting a preschool model that is similar to the previous applicant with 12 children per session and up to two sessions per day. The property is .46 acres in size and zoned R-2. The neighboring properties are zoned R-2 and R-22 with access to 3600 West off of the private lane. The house has two stories with an extra wide three-car garage and a finished basement. Classes will be held Monday through Thursday with morning and afternoon sessions. The applicant wishes to offer Spanish immersion. The applicant, Robyn Mons, is proposing to have one employee who will teach Spanish. The employee rents Ms. Mons' basement.

Slides of the applicant's driveway were presented. Photos of the site were presented of the driveway and private lane. It was noted that two neighbors park their cars on the driveway frequently. Ms. Mons will instruct parents to drop off and pick up in her driveway. She will be using the basement and upstairs for the preschool. The backyard is fully fenced. The room on the second story will be used as a game room. The basement has a kitchen and an open learning space with a bathroom. Ms. Mons is a Certified Life Coach and her employee has a master's degree in early childhood education.

Notices were sent out twice to the neighboring property owners and no responses were received. Commissioner Park asked what other concerns were voiced at the previous meeting about the use of the private drive for business purposes as there are other residences on the private drive that share the responsibility of the roadway. Ms. Halversen stated that another concern pertained to the applicant having an Accessory Dwelling Unit ("ADU") in the basement. Ms. Halversen stated that according to the Code, the applicant is only required to have an ADU permit if there is a permanent separation between the two units. Ms. Mons' home does not and the two units are separated only by a door. As a result,

they are not required to have an ADU permit. Ms. Halverson also noted that an ADU is not considered a home business. Commissioner Park wanted feedback on the progress regarding the issue of shared ownership of the private lane. Chair Matheson recalled that one neighbor expressed support while confirmation was not received on the other.

Mr. Carter considered the issue to be complicated when considering a Conditional Use Application to operate a business on an existing lot compared to the expansion of a number of lots that are served by a private lane. The Commission is not privy to the easement documents that were recorded previously. It is also important to remember that ownership of a private lane creates private rights. The City has a limited inquiry when compared to the Code in the context of the Business License or Conditional Use Permit. He explained that expanding the number of permitted users impacts private property rights directly. He suggested that under those circumstances, the City gain insight on what the easement says in terms of the condition of approving a subdivision. He explained that increasing the number of lots increases the number of users who may also be able to get a Conditional Use Permit to create a home occupation on their property. It affects private property rights directly. When someone is using a private lane that is a shared property right, permission is needed. If a lot is set, all involved have the full breadth of permission to use their lots to the extent granted by the City Code, which allows home occupations. The court interprets ingress and egress rights to be reasonable as long as they are not used outside what is permitted under the zoning Code. The City generally views the right to have a home occupation as not being a violation of an easement. If evidence is produced to the contrary, it is worth considering. As a matter of due diligence, however, the City does not require an upfront demonstration of what that easement language is. Mr. Carter also stressed that easement rights are private rights. He did not expect the court to say that exercising Conditional Use Permit rights for a home occupation would be unreasonable if standard ingress egress language were provided in the easement.

Ms. Mons described the operation and stated that she is the homeowner and will be the business owner. She is half Brazilian and moved to the United States when she was eight years old and spoke no English. A family from Peru rents from them and the mother has a master's degree in early childhood education. Ms. Mons stated that her daughter is also in college and wants to be a preschool teacher as well. The proposed use is preparatory and will eventually move to a brick-and-mortar location if they are to expand. They love their neighbors and private drive and want to be considerate. They plan to start with eight students but propose 12 to allow for growth. Ms. Mons' employee will be the main teacher and is comfortable with eight children. If they were to increase to 12 they would go to one session. The hours offered allow for a good window of time for drop-offs, which will be staggered.

Commissioner Rushton asked Ms. Mons what discussions she had had with the other homeowners on the private lane. Ms. Mons stated that the neighbors across the street expressed their support. She stated that there are three homeowners on the lane. She has not been able to speak to the owners of the third home. She tried on a few occasions but was unable to make contact. Commissioner Beck stated that the neighbors received the same notice and should have made any concerns known. Commissioner Rushton stated

that the burden is not on another resident to show up. The issue is the private lane. He did not think it was reasonable to expect someone to protest and restate their preference to keep a private lane private.

Commissioner Park asked Ms. Mons how long she has lived in the home and if she was aware of any language in the Purchase Agreement that would restrict her from using the private lane for the project. Ms. Mons stated that she has lived in her home for about nine years and was not aware of any such restrictions. Mr. Carter stated that if desired by the Commission, he could look up the easement to determine if there was evidence of restricted property rights tied to a Business License.

In response to a question raised by Chair Matheson, Ms. Mons stated that there is room in her driveway to turnaround. Ms. Halversen informed Ms. Mons that even if she is approved for 24 children, she will be limited to only 12 vehicles. Ms. Mons was not interested in having that many vehicles in her driveway coming and going. The classes are for children preparing for Kindergarten to participate in immersion programs. They feel that eight students is a good number.

Commissioner Matheson opened the public hearing. There were no public comments. The public hearing was closed.

Commissioner Rushton had a similar situation take place next to him when his neighbor opened an in-home preschool. Ultimately, a homeowner purchases property and if they live on a private lane, it is unreasonable to expect them to show up and express their desire to live on a private lane. He was not okay with a business granting access on his private lane. Mr. Carter stated that the basis for denial needs to be based on evidence deduced from a record created by the Planning Commission. Currently, there is no evidence to the contrary. He recommended that staff be given a continuance on the matter so that they can look at the easement and interpret it explicitly. In the end, how the document is drafted is how it will be enforced in perpetuity.

Commissioner Rushton asked if it is reasonable for the applicant to have to produce evidence that the current homeowners agree to allow access to the private lane for non-residents. Mr. Carter stated that there would first have to be a question as to whether an easement would be violated by a home occupation. He did not have that information currently. A standard easement makes reference to ingress and egress, which includes any lawful use of the property and includes a home occupation because it is allowed by Code. Mr. Carter stated that in the absence of the neighbors' testimony, the review will involve examination of the easement. Staff will provide that to the Planning Commission. He preferred to do that than to defend a denial without that information on the record. Commissioner Rushton asked if it is within the Planning Commission's purview to request a declaration from the other residents on a private lane that they would grant access, which they have shared ownership of. Mr. Carter responded that they only have the rights created by the easement document. The way the document reads is their power.

Commissioner Rushton asked if in the event an easement does not exist, the stipulation of the business would be the creation of an easement agreement for all property owners on the lane. Mr. Carter stated that a private lane should have an easement recorded on it. He would be shocked if there was not one. He suggested that the matter be continued to allow him to obtain the easement and review it.

Commissioner Cluff asked if there would be any liability to the City if the request was approved without having looked at the easement. Mr. Carter did not see any. Commissioner Cluff asked if it would be acceptable to add to an approval that the easement needs to be reviewed before the license is issued. Mr. Carter did not think that making an approval subject to an interpretation of something later was the best way to create an approval. His preference was to have a record that shows what the easement says. That way, if it is appealed, there would be a basis for it. Staff would continue to work with the applicant. The best option for the City was to continue the matter to the next meeting.

Commissioner Gilchrist commented that this action has been noticed to the public twice and the applicant has made a good-faith effort to obtain the permission discussed. Commissioner Rushton disagreed. Mr. Carter explained that the prior continuance was because the applicant was not present and her input was needed. His view was that whenever a Conditional Use Permit is to be granted, the applicant should be present.

Commissioner Park disagreed with Commissioner Rushton and stated that notices are intended to inform people so that they can make their objections known. The matter has been properly noticed multiple times. His opinion was that approval is warranted. If someone provides an easement showing that they cannot do it, the permit should be revoked as a result. Commissioner Park's primary concern was the mention of potentially using 3600 West as a drop-off site. He would support a restriction within the approval that forbids that. If the lane on 3600 West is not wide enough to safely exit a vehicle there is a safety risk. He suggested that drop-offs on 3600 West be expressly prohibited.

Commissioner Rushton moved that the Planning Commission CONTINUE PLZ-24-2006, "The Children's Villa," at 3558 West New Private Lane until the next meeting. Chair Matheson seconded the motion.

Commission Cluff considered it better to continue the matter than to add a condition. Mr. Carter stated that he saw no potential for legal exposure for granting approval based on what is before the Commission.

Vote on motion: Commissioner Park-No; Commissioner Gilchrist-No; Commissioner Rushton-Yes; Chair Matheson-No; Commissioner Cluff-No; Commissioner Beck-No. The motion failed 5-to-1.

Commissioner Cluff moved that the Planning Commission APPROVE PLZ-24-2006, Children's Villa at 3558 West New Private Drive, subject to the following conditions:

1. **The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, specifically the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
2. **Applicant must obtain and maintain a Riverton City business license.**
3. **Applicant must obtain and maintain applicable State and Health Department approvals.**
4. **Home Occupation must operate within the Fixed Standards and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance and with this approval.**
5. **The Home Occupation may have up to 12 children per session, and up to two sessions per day.**
6. **The Home Occupation may have up to 24 vehicle trips per day by customers/parents.**
7. **Customers may utilize the driveway or private drive for drop-off and pick-up.**
8. **3600 West should not be used as a drop-off.**

The motion was seconded by Commissioner Gilchrist.

Commissioner Rushton asked if the Commission would consider asking the applicant to produce written approval from the other property owners on the lane. Chair Matheson's bias was that the applicant has tried. Mr. Carter explained that the neighboring property owners have an easement right, which can trump the home occupation applicant. A letter requiring written approval could be on the basis of anything apart from the easement, which they do not have the power to do. If a further inquiry is warranted, it should be based on the easement language.

Commissioner Cluff commented that while it would be a courtesy to get approval from each neighbor, she did not feel it was within the Planning Commission's approval to enforce that.

Vote on motion: Commissioner Park-Yes; Commissioner Gilchrist-Yes; Commissioner Rushton-No; Chair Matheson-Yes; Commissioner Cluff-Yes; Commissioner Beck-Yes. The motion passed 5-to-1.

D. "MOLETT CUP," PLZ-24-2011, A CONDITIONAL USE PERMIT FOR PARALLEL FENCING LOCATED AT 4473 WEST SACAJEW A STREET. APPLICANT - JAMES MOLETT.

Mr. Prestwich presented the Staff Report and stated that the City's Fencing Ordinance allows for a fence to be placed adjacent to another fence but it does require Conditional Use Permit approval. The property is located within the Canyon View development. There is an existing six-foot fence along the rear of the property line. The ordinance allows fences to be up to eight feet in height. The applicant had concerns with lighting due to the proximity of the neighboring lot behind it and was looking to add an extension onto the top of the fence. However, because of the construction of the fence and structural issues, it cannot be attached directly to the fence. As a result, they made application for the erection of a second fence inside of the first to provide the two-foot extension. His understanding was that it was for just a portion of the rear fence area.

The Code for parallel fencing sets forth criteria. The purpose of the Conditional Use Permit is to verify that criteria. This would be the second fence that would be set inside the six-foot fence with a two-foot extension along the top. He spoke to the fencing company that is contracted to do the installation and was told that the fence is freestanding. One of the criteria is that the fence be wholly on the applicant's property and not supported by or leaning against the existing fence. The proposed second fence is about three inches inside, which is acceptable, and it will not touch or be supported by the existing fencing. It provides an additional two feet in height. The contractor indicated that a gap will be left at the bottom of the new fence to allow for weed abatement. Notice was sent to the adjoining property owners and no responses were received. The other criterion is that it not obstruct the visibility of the corner or adjacent property. That is not a concern here given the location. Mr. Prestwich reported that he spoke to the contractor and verified that the fence, as proposed, meets the criteria outlined in the ordinance. Staff recommended approval with the conditions enumerated in the Staff Report.

Commissioner Park asked if the fence was eight feet or two feet over what exists. Mr. Prestwich responded that the fence is a full eight feet tall primarily due to structural concerns. If the post were six feet it would not meet the wind standards.

The applicant, James "Frank" Molett described the operation. He is the homeowner and lives with his wife. He has had medical issues and is recovering. His daughter was present to assist him. Mr. Molett stated that the motivation for the fence stemmed from the neighbors behind him who are good people but have children who come home from work between midnight and 2:00 AM. He presented a photo showing that the lights from the driveway shine directly into his bedroom window. The neighbors have lights and a raised pickup truck that shines into the window. The neighbors also tend to chat after work in close proximity to Mr. Molett's home.

Mr. Molett's other concern was that the neighbor's driveway serves as a patio that extends from the main street to the fence. The neighbors like to entertain in the evenings and their garage lights are very bright and shine into Mr. Molett's home.

Mr. Molett stated that the fence is actually five feet in height rather than the six feet described. He took photos showing the height of the car when he was standing on his porch where they can see the top of the wheels. Mr. Molett estimated that the fence is 2 ½ feet in height and is level from side to side in the neighbor's backyard. The eastern side of the property is leveled with a drop-off leading to the adjacent property.

Mr. Molett stated that the fence was erected prior to the construction of the homes. He mentioned that when their home was built there were no homes behind it. It would be convenient for the neighbors to have a private patio to mitigate the noise. He looked forward to privacy and muffled noise levels. He stated that the neighbors have been very conscientious but their activities are very close by. Chair Matheson was impressed by Mr. Molett's patience and willingness to resolve the issue without confrontation.

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

Commissioner Cluff moved that the Planning Commission APPROVE PLZ-24-2011, "Molett Parallel Fencing", at 4473 West Sacajawea Street, subject to the following conditions:

- 1. A second fence, extending a total height of up to eight (8) feet along the southwest property line may be installed in compliance with Riverton City Code Section 18.155.110, allowing the existing fence to remain.**
- 2. The applicant shall maintain his property, including the space adjacent to the existing fencing, in compliance with City Ordinance.**

The motion was seconded by Commissioner Beck. The motion passed with the unanimous consent of the Commission.

E. EXTERIOR LIGHTING ORDINANCE AMENDMENT, PLZ-24-5001, AMENDING SECTIONS 18.215.030 AND 18.135.200, UPDATING STANDARDS AND REQUIREMENTS RELATED TO EXTERIOR COMMERCIAL LIGHTING. AMENDMENTS PROPOSED BY RIVERTON CITY.

Mr. Prestwich presented the Staff Report and stated that the request was presented to the Planning Commission in a previous meeting where there was a considerable amount of discussion. He reported that they are considering updating the current ordinance, which is basic and brief. The request arose from a specific complaint that highlighted some issues, as well as areas in the Code that could be updated. The concern revolved around lighting, including temporary holiday lighting, near a residential area to the rear of a commercial business. Surrounding communities were examined as discussed previously. Mr. Prestwich outlined a few proposed changes. One of the topics discussed was the timing at which the lights are required to be turned off. Modifications were made to the language.

The Code now states that lighting facing or oriented toward a residential property where the building is within 100 feet must be turned off at 11:00 PM or when the business closes, whichever is earlier.

Mr. Prestwich stated that it would be unreasonable to expect lighting that is not visible from the residence to be turned off. A couple of changes were made to the holiday lighting section. As discussed previously, it was observed that there is currently minimal impact but it seems likely that more businesses will at least consider the possibility of holiday or temporary lighting. The Code categorizes holiday lighting as either temporary or permanent. If a business is considering a permanent installation of strip lighting or holiday lighting, approval would be required either in the original site plan or through an amendment.

The holiday period was defined as November to January. There was a restriction on the number of hours in a day, initially set at 16 and feedback from the Commission suggested that this might be too much. Therefore, the limit was adjusted to no more than 12 hours within a 24-hour period, meaning that the lights cannot remain constantly on. A comment made during the previous discussion was incorporated into the Code that outside of the defined holiday periods, it would require site plan approval.

The Code prohibits flashing and moving lighting within 100 feet of residential properties and must be off by 10:00 PM. The Easter holiday was previously left off of the holiday list and was included on the refined list. Mr. Prestwich commented that another city has had a similar Code in place for some time and they mentioned St. Patrick's Day as one of the holidays when businesses desire to adorn their buildings with green lighting. St. Patrick's Day has currently been included in the Code. Mr. Prestwich stated that the information was derived from one city with significant experience.

The list represents days when they perceive the highest demand for lighting, thereby limiting the holiday period to those specific days. The 11:00 PM timing specified in the Code pertains to exterior lighting, with exceptions outlined in the Code. Mr. Prestwich made a correction and stated that any lighting on a commercial business within 100 feet of a residential property, facing or oriented towards it, must be turned off by 11:00 PM or close of the business.

Chair Matheson did not see Christmas on the list. Mr. Prestwich stated that Christmas and Thanksgiving would fall under the November to January period and other holidays where the lights could be on, would be restricted to the specific day itself and not a surrounding period.

Commissioner Gilchrist asked that if somebody wanted to celebrate their business anniversary, they would have to come and ask for approval on a date. Mr. Prestwich reported that it would not be a request that comes from a business owner but it would be executed by the City and the business would have to make a site plan amendment.

Commissioner Rushton asked if 9/11 would be an exceptional request that a business would have to ask. Mr. Prestwich stated that they would not and it would be a City initiative to allow

lighting on a one-time event. Commissioner Rushton asked if after the Code is implemented if a business that wants to extend its colored lighting outside the outlined window dates will have to request an amendment to their site plan and if the Planning Commission would have to specify which color is appropriate. Mr. Prestwich stated that for businesses that are not recorded on their site plan, they would have to make an amendment request.

Commissioner Park asked if it would be more conducive and business-friendly to allow businesses to display lighting as an advertisement a day or two surrounding the day of the holiday. Mr. Prestwich agreed and stated that three days would be very reasonable. He added that if it is included in the motion it does not need to be crafted to specifically reference an allowance of three days before and one day after the holiday period.

Commissioner Cluff needed clarification whether they are going to be approving the specific colors when the lighting is part of the site plan since they allowed and have the ability to change it whenever desired. Mr. Prestwich stated that to some extent it would be at the discretion of the Planning Commission and he would not recommend crafting the Code to limit the shade of color. The application would include how the colors would look like and lighting can be evaluated as part of the review.

Commissioner Cluff asked if they would approve a singular color as part of the site plan. Mr. Prestwich stated that they would. He did not anticipate specification and stated that it would be more of a question of the light's intensity, its orientation if it is facing a residence and the display. Another question was if there is a distinction between lighting being part of a site plan and holiday lighting. The example given was if someone specifies in their site plan that the lighting will be white on a daily basis but will change to green, pink, or any other color based on holidays it would be considered as site plan lighting or holiday lighting. Mr. Prestwich responded that it would become permanent lighting and become subject to any conditions imposed by the Planning Commission.

Commissioner Cluff clarified that she was asking if the Commission approved a site plan with white lighting and the business desires a different color lighting for Christmas, if they need to amend their site plan to accommodate the change or if it is covered under the Christmas Holiday. Mr. Prestwich stated that it would be included in the holiday period and would be limited to specific days.

Commissioner Rushton asked if the City Council also reviews and modifies the Code after the Planning Commission acts. Mr. Prestwich stated that the City Council had similar concerns and after the Commission forwards a recommendation it goes back to the City Council for final approval.

Chair Matheson opened the public hearing.

Jake Tate from AWA Engineering reported that he has dealt with and worked in other jurisdictions that define property lines and try to regulate lighting not going over a property line. It is not defined well enough and applies to commercial properties and internal property lines within parking lots. He did not object as long as it is written as an acceptable exception.

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

Commissioner Gilchrist moved that the Planning Commission RECOMMEND ADOPTION of the Amendments to Sections 18.215.030(d) and 18.135.200 amending and updating Riverton City standards related to outdoor commercial lighting subject to the following additional modification:

- 1. Holiday lighting outside of the November to January period is to be extended three days prior to and one day after the designated holiday.**

The motion was seconded by Commissioner Rushton. The motion passed with the unanimous consent of the Commission.

3. DECISION ITEMS

- A. "FREDDY'S FROZEN CUSTARD," THE VILLAGE AT SOUTH MOUNTAIN EAST LOT 2," PLZ-23-8012, A FINAL/DETAIL PLAN FOR A DRIVE-THROUGH RESTAURANT TO BE LOCATED IN THE SLR ZONE AT 13331 SOUTH OLD LIBERTY WAY. APPLICANT - LEE COX.**

Mr. Prestwich presented the Staff Report and stated that the request was for Freddy's Frozen Custard. The approval letter from the SLR is also presented as they work under the Master Development Agreement and the Suburban Land Specific Development District Zoning. They are in the final steps in the process and we are considering the Detailed Plan tonight. The application is to approve Village East. The Planning Commission has already reviewed Quick Quack Car Wash, Dutch Bros, Raising Canes, and 7 Brew. The applicant is requesting to locate on Lot 2. The private roads inside were approved as a Phase 1 Detailed Plan and are under construction. They had to fit some things into the plan because of some large easements that dictated much of the design and layout. AWA was the engineer for the Master Site and they prepared the Site Plan for Freddy's Frozen Custard and were well aware of the easements and managed the site well.

Mr. Prestwich noted that Freddy's and Raising Canes are the least impacted by the easement. The lot is 3,000 square feet in size and faces the road per the SLR Master Development Agreement. There is a single drive-thru lane that wraps around the building. There is plenty of parking and they are over-parked by about four stalls. There is more than 10 feet of buffer between the sidewalk and the drive-thru. Shared improvements on the south include a small patio with seating.

Mr. Prestwich mentioned that the applicant does not have to follow the same standards as the SLR zoning. The applicant has everything needed to bring all of the restaurants close together. The traffic will be rerouted up Old Liberty Way. The site relies on off-site improvements and shared improvements and infrastructure were shown on the plans and the previously approved Block Scale Plan and the Village at South Mountain East Phase 1

Detailed Plan. Riverton City can withhold occupancy of the building if the off-site shared and backbone infrastructure is not complete.

The improvements highlighted in magenta on the site plan were being undertaken by the master site developer. That must begin for the applicant to gain occupancy.

Mr. Jake Tate stated that the applicants plan to break ground this week. Construction is expected to take five to six months, which is the same timeline required for Raising Canes. The construction sequencing, such as curb and gutter installation, is executed concurrently with the asphalt. Both accesses will open at the same time.

In response to a question raised, Mr. Tate reported that he is the engineer representing the applicant. It was his intent to complete the improvements highlighted in magenta.

Commissioner Gilchrist mentioned that over the past year or so, several developments have emerged in the area, each at different stages of construction. All of the development plans include an area to the northeast designated as a future detention basin. He asked if any of the upcoming developments intend to utilize the future detention basin and if so, what is being done in the meantime. He was concerned about the increase in impermeable surfaces leading to runoff, potential flooding, and water quality issues. He asked what protections were in place. Mr. Tate stated that they are collaborating with staff and each parcel has its own treatment and detention for the 10-year storm on site. The 100-year storm would be released to the large regional detention pond.

Mr. Tate stated that in the meantime if development proceeds and the future detention pond is not included in the backbone plans, a temporary retention pond will be utilized to fully retain all of the 100-year storm until completion, at which point the connection will be established.

Commissioner Rushton moved that the Planning Commission APPROVE PLZ-23-8012, “Freddy’s Frozen Custard”, Detail Plan to be located in the SLR zone at 13331 South Old Liberty Way, subject to the following conditions:

- 1. This Detailed Plan shall comply with the terms and conditions approved with the Block Scale Plan, with the SLR Project Area Master Development Agreement, and with the approvals of the Master Developer.**
- 2. Site Improvements and the Building, including the exterior finish, dumpster enclosures, and landscaping, and all other improvements shall be consistent with the plans presented to the Planning Commission except where otherwise noted.**
- 3. Rooftop mechanical shall be screened by parapet walls.**
- 4. Wall-mounted service panels shall be painted to match the building.**

5. **The site and structures shall comply with any and all applicable Riverton City Standards and ordinances, including the International Building and Fire Codes.**
6. **The applicant shall correct or resolve the remaining staff redlines.**
7. **Storm drainage systems and accommodations shall comply with Riverton City Standards and ordinances, and with the recommendations of the Riverton City Engineering Division. An offsite Storm Drain Pond must be built by others prior to this site getting occupancy from Riverton City.**
8. **The Applicant must create and agree to follow a Long-Term Storm Water Management Plan according to Riverton City standards and ordinances prior to receiving building occupancy.**
9. **A Land Disturbance Permit must be issued by the City prior to any construction grading on the site.**
10. **The applicant must obtain final approval from utility providers.**
11. **This site relies on offsite improvements, shared improvements, and backbone infrastructure as shown on the plans for this application, and the previously approved Block Scale Plan and The Village at South Mountain East Ph 1 Detailed Plan. Riverton City may withhold Occupancy of the building on this site if the offsite, shared, and backbone infrastructure is not complete.**

The motion was seconded by Commissioner Gilchrist. The motion passed with the unanimous consent of the Commission.

- B. **"MOUNTAIN RIDGE APARTMENTS," PLZ-23-8023, A FINAL/DETAIL PLAN FOR MULTI-FAMILY DEVELOPMENT IN THE SLR ZONE, LOCATED AT 4761 WEST 13400 SOUTH. APPLICANT - EDGE HOMES**

Mr. Prestwich presented the Staff Report and stated that the request was previously presented to the Planning Commission. It was presented last fall after working with the applicant for about six months. While a few details remained, the engineer has made significant progress in resolving most of the issues. The building architecture has remained the same. The application and Approval Letter from SLR were presented. The submission is from Edge Development which has overseen all housing developments to the south of Rose Creek comprising a mix of single-family homes, condos, and townhomes. The proposed project would introduce another housing option to the area. From the previous CSP/BSP, the applicant stated on the record their intention to hold the building for long-term leasing.

Mr. Prestwich reported that he has not received any updates suggesting a change in ownership or operation by Edge Homes. The photo presented does not show the bridge and creek, Mr. Prestwich stated that the creek has some relief. He stated that the building is five-story. Approval from CSP/BSP was presented. Mr. Prestwich stated that they have prevented any construction activities until approval of the Detailed Plan. In the foreground, there is a clubhouse along with the south and north buildings. The buildings share similar architecture, with the main distinction being the color. The building has a clean modern look with the whites and the tans. Per the MDA and the SLR Development Standards, the buildings are closer to the street. One difference in the depicted fence is while the rendering shows an open fence, a closed fence will actually be installed to provide sound protection and privacy for units situated slightly below grade.

The architectural site plan was presented. The geometry has been changed to acquire extra parking stalls. They managed to fulfill their parking requirements and eliminate the necessity for parking on the bridge. The bridge serves as the primary entrance and exit to the site. There is a right-in, right-out access directly onto 13400 South. Mr. Prestwich did not include in the drawing when outlining the fence that there is access through a shared pathway across the parking lot with the doctor's office. It does not eliminate the future possibility of access to the frontage roads.

They will have a break in the wall and descending stairs that will lead to the pool area. The pool area will be safeguarded by gated access points to ensure privacy and prevent unauthorized entry from the street. The fence is six-foot white vinyl and six-foot solid masonry. The townhomes, condos, and single-family homes are open along the creek and no fencing was required. An entry feature has been added, which requires approval and a Sign Permit. Depending on property arrangements, if it is subdivided into different ownerships, the applicant will need to obtain permission that is on private property, not within the public right-of-way.

The civil site plan was presented. The creek is a separate parcel. The applicant has not updated the Landscape Plan but it will be changed to reflect the current geometry of the parking lot. The applicant intends to plant sod and trees on the corner and low-maintenance xeriscaping inside and along the edges, which will soften the corner without using a lot of water.

The proposed motion was reviewed with special emphasis on conditions 8 and 9. Construction was expected to take six to nine months. The maintenance responsibilities and procedures for the Creek need to be finalized. Rose Creek is a regional facility with involvement from the County. It is also in the FEMA flood zone. Herriman puts a lot of water into it and it has to be managed. There is also nuisance water to be addressed and annual maintenance to be done. That will be addressed with the developer.

A question was raised about the original Block Scale Plan that showed that the fire truck turnaround on the south end was eliminated. He stated that the measurements are based on a 47-foot truck while the ladder truck that will respond is 60' 3". Mr. Prestwich stated that the Unified Fire Authority ("UFA") indicated that the turnaround was not necessary to access

the building. As a result, it was removed. It was clarified that between the two parking spots on the corner of the building is a narrow pathway that will serve as a pedestrian crossing.

The Commission next discussed the fencing along Mountain View. It was reported that as Mountain View develops, the road next to the fence will continue to function as a bypass road. A question was raised regarding the distance between the road, the fence, and the building that is recessed below the roadway. This led to discussion regarding the need for a barrier to protect residents from vehicles. Mr. Prestwich clarified that the six-foot precast fence requirement matches the standard for collector streets within the City. The speed limit for the frontage road was reported to be 35 MPH. It was noted that only a wildlife fence is required along the boundaries.

Commissioner Gilchrist provided details on standard design. These standards establish a required distance between the edge of the travel lane and any obstructions. This is primarily for driver protection. Traffic barriers are only mandated when there is a "clear zone" that requires safeguards to prevent collisions. Concrete fences would be considered obstructions if placed within that zone for a 70 MPH freeway where the clear zone distance is 30 feet. For a frontage road, the clear zone is around 24 feet measured from the edge of the travel lane to the shoulder stripe. In this case, there is a wide shoulder, a wide trail, and additional space for the fence.

A question was raised about a standard for protecting residences on the other side of the fence. Commissioner Gilchrist explained that design standards do not typically account for situations outside the clear zone. The standard is that within that zone of 30 feet for freeways, a normal driver is likely to recover and avoid hitting the barrier. Since the risk is deemed low, Departments of Transportation across the country do not consider protection beyond that zone necessary. This raises the question of why a developer would be required to provide protection for a scenario that highway departments do not consider a concern.

It was confirmed that City Code does not have a specific requirement for additional space between the building and the fence beyond the standard property line setback. This is because the standard does not apply in this situation due to the nature of the road on the opposite side of the fence.

There was some confusion about the lack of a standard that considers factors like building density and elevation on the other side of the fence. It was clarified that the current Code does not include a standard that mandates additional separation beyond existing requirements. The fencing already meets the established standard for solid masonry. An opposing viewpoint was presented. It was argued that a national standard for inside fencing has been in place for a long time to address the issue of errant vehicles.

Commissioner Park asked about the likelihood of the Utah Department of Transportation ("UDOT") changing its mind and converting the frontage roads into freeway lanes. UDOT's current plan was described, with a focus on finalizing the design of on and off-ramps, frontage road speeds, and the integration of multi-use trails. The potential consequences of UDOT changing the road configuration were addressed. If this were to occur, the City would

be able to impose new requirements on UDOT, such as the construction of barriers to protect the high-density housing development. An example of a similar situation where UDOT had to modify the design to accommodate existing development was provided.

The timing of the Pedestrian Bridge Construction Project was clarified. It was specified that the bridge going over 13400 South is anticipated to be bid on in the fall and constructed next summer.

Commissioner Gilchrist commented on UDOT being unlikely to change the current configuration due to the extensive environmental review process required for such modifications. He asked about public access to the pedestrian connection between the Mountain View Trail and the apartment complex. It was expressed that unrestricted public access would be ideal to allow for connection to the Rose Creek Trail. Staff was tasked with clarifying whether the access point would be gated or open to the public.

Commissioner Gilchrist referred back to the site plan and asked about the existence of trail access further south near the south side of Rose Creek. It was reported that a request to extend the Rose Creek Trail into Herriman had been submitted to UDOT. While there are discrepancies between UDOT and the Commission regarding the specific connection point, a connection to the trail on Mountain View Corridor is planned.

Commissioner Gilchrist asked if trail access is available directly from Mountain View Corridor for northbound traffic. It was reported that the anticipated connection will be south of Rose Creek, allowing the Rose Creek Trail to connect to the Mountain View Corridor trail at some point. It was confirmed that this connection point would be at 13800 South.

UDOT's involvement and evolving plans were acknowledged. It was mentioned that UDOT has shared preliminary designs but these plans change frequently. As a result, it is difficult to determine the final outcome until UDOT reaches a 30% design completion stage.

The applicant provided details about the wall along the Mountain View Corridor. He is not a resident of Riverton but a frequent visitor to Mountain View Village from a neighboring city. He expressed enthusiasm for the development, particularly the addition of many exciting restaurants and amenities. He mentioned that a six-foot precast wall will be constructed that will not be similar to competitor precast walls that feature a rock design with a foam interior. Instead, a solid precast wall will be constructed. He reported that UDOT required additional borings and a more robust structural design for the wall to grant access to the small opening by the pool area. The reinforced design applies not only to the retaining wall but also ensures sufficient support for the precast wall. This will hopefully result in a much stronger and safer barrier along that section.

With regard to the trail connections, it was reported that an access permit for the trail right by the pool is being secured from UDOT. Another access point is planned further down at 13800 South. The possibility of UDOT changing its plans to a freeway with a frontage road was acknowledged. In the Mountain Ridge Development, an access point on the south side

of Rose Creek might be created. The applicant reassured everyone that they are actively working with UDOT to obtain approval for the access point by the pool.

The applicant addressed fire access and explained that collaboration occurred with multiple representatives of Unified Fire to ensure proper radii and meet all internal site requirements. Specific details regarding the distance between the roadway and buildings to accommodate fire ladder trucks were mentioned. Mr. Devoogd reviewed the plan and expressed satisfaction. The applicant was confident that the requirements had been met.

The applicant has worked with the existing doctor's office. He mentioned that his son receives orthodontic treatment at the doctor's office. The doctor's office was consulted regarding the proposed cross-access point and they expressed enthusiasm for the addition, as many of their patients encounter difficulty entering and exiting the current site. The details of the cross-access point, which would provide a third access option, were discussed during the on-site meeting.

The applicant was asked about the name of the development. The applicant acknowledged anticipating this question and admitted to extensive internal discussions, including the marketing team and other collaborators. He stated that the naming options had been narrowed down to a select few. However, due to confidentiality, the specific names were not disclosed. It was further reported that "Mountain Ridge Apartments" was unlikely to be the final choice and a different name would likely be chosen, but the final decision remained undetermined. The applicant addressed the potential issue of the development obstructing the view of the Kennicott Copper mine. He acknowledged understanding the concern but expressed their belief that it would not be a problem.

A question was raised regarding the building height exceeding the Mountain View Corridor level. The applicant explained that approximately four stories will likely be visible upon grading. However, with the addition of the six-foot precast fence, the total height was estimated to reach the level of, or possibly slightly lower than, the second-story decks.

Commissioner Rushton moved that the Planning Commission APPROVE PLZ-23-8022, "Mountain Ridge Apartments", to be located near the southeast corner of Mountain View Highway and 13400 South subject to the following conditions:

- 1. This Detailed Plan shall comply with the terms and conditions approved with the Block Scale Plan, with the SLR Project Area Master Development Agreement, and with the approvals of the Master Developer.**
- 2. Site Improvements and the Building, including the exterior finish, dumpster enclosures, and landscaping, and all other improvements shall be consistent with the plans presented to the Planning Commission except where otherwise noted.**
- 3. The applicant shall correct or resolve the remaining staff redlines.**

4. Storm drainage systems and accommodations shall comply with Riverton City Standards and ordinances, and with the recommendations of the Riverton City Engineering Division.
5. The Applicant must create and agree to follow a Long-Term Storm Water Management Plan according to Riverton City standards and ordinances prior to receiving building occupancy.
6. A Land Disturbance Permit must be issued by the City prior to any construction grading on the site.
7. The applicant must obtain final approval from utility providers, and outside agencies.
8. This is a private site with no city maintenance of driveways, parking lots, or on-site utilities such as water, sewer, or drainage facilities.
9. An agreement between the City and the developer must be finalized regarding the long-term maintenance of the Rose Creek channel prior to issuance of a certificate of occupancy.
10. Rooftop mechanical shall be screened from view.
11. The site and structures shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.

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

4. **DISCUSSION ITEMS**

- A. None.

5. **MINUTES**

- A. 02.22.24 PC Meeting Minutes.

Commissioner Beck moved that the Planning Commission **APPROVE** the Planning Commission Meeting Minutes of February 22, 2024, as presented. Commissioner Cluff seconded the motion. The motion passed with the unanimous consent of the Commission.

6. **ADJOURNMENT**

The meeting adjourned at approximately 8:50 PM.