

**RIVERTON CITY PLANNING COMMISSION  
MEETING MINUTES  
MAY 23, 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  
Monique Beck  
Gary Cannon  
Shelly Cluff  
Darren Park  
Troy Rushton

**Staff:**

Tim Prestwich, City Planner  
Lisa Halversen, City Planner  
Ryan Carter, City Attorney

**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 Bart Baxter. It was noted that Chair Gilchrist was in the process of moving out of Riverton City and will be dearly missed.

**2. PUBLIC HEARINGS**

**A. "THE COOKIE STAND," PLZ-24-2018, A CONDITIONAL USE APPLICATION FOR A HOME OCCUPATION MAKING AND DELIVERING CUSTOM COOKIES FROM A HOME KITCHEN LOCATED AT 2512 WEST TILLERY CIRCLE. APPLICANT - JACLYN BAXTER.**

Planner Lisa Halversen presented the Staff Report and stated that the subject property is located along the south-central border of the City. The property is located at the end of a cul-de-sac and encompasses 0.37 acres. The property is zoned R-4 as are the neighboring properties. The property has a three-car garage, a large extra-wide driveway, and a sizable approach to the residence. Ms. Baxter plans to utilize the basement kitchen for the baking of cookies. Her business model involves accepting online orders for custom cookies intended for special events.

Orders will be taken, cookies baked, and deliveries made by Ms. Baxter herself, minimizing any impact on the neighborhood from traffic or parking. This will eliminate the need for additional vehicle trips. The basement kitchen is equipped with a refrigerator and oven and is where supplies will be stored. She would like to have one employee who is a neighbor who lives within walking distance. The submitted plan included the layout of the basement kitchen and the designated work area. In the unlikely instance that a customer comes to the home to pick up an order, the south end of the driveway is designated for parking.

Ms. Halversen reported that City Code requires a Conditional Use Permit be obtained for any home occupation involving food or drink preparation, storage, or catering. While recent State regulations in Utah have relaxed the restrictions on home kitchens, including reduced

inspections and guidelines for non-perishable and non-meat items, the City Code still necessitates approval from the Planning Commission. Proper notice was sent and no responses or comments were received. Staff recommended approval with the conditions set forth in the Staff Report.

Commissioner Park asked about potential limitations on the number of daily in-home customer visits for the business. It was reported that there is a limitation on the number of vehicle trips of two per hour unless the activity involves childcare. Due to Ms. Baxter's practice of handling deliveries herself, customer visits to the property were expected to be infrequent. Commissioner Park asked if that should be stipulated in the conditions. It was mentioned that it is already addressed in the Code and in condition number four.

Commissioner Cannon liked the business name and the applicant's desire to maintain a low profile.

The applicant, Jaclyn Baxter introduced Paige Storey who is her business partner. They will focus on custom orders with most customers typically finding them through Instagram or other events. The process involves creating and delivering custom-designed cookies. She downplayed the potential for traffic and stated that six orders per day would be exceptional. She expected to receive fewer than six orders per week. Their motivation as two mothers was a creative outlet and leveraging their skills in the business venture.

Commissioner Cannon asked Ms. Baxter if she expects the business to expand to the point that a dedicated storefront location will be needed. Ms. Baxter responded that such a scenario was not part of her current plans. In response to a question raised, Ms. Baxter stated that they can handle several dozen cookies per day, with a maximum of 12 dozen over a two-day period.

Commissioner Cannon asked about the potential for inspections. Ms. Baxter responded that with the new law inspections are not required. However, they have obtained Food Handlers Permits and the kitchen is in a basement that is inaccessible to children and pets. Ms. Baxter stressed their commitment to cleanliness and elaborated that, while Health Department inspections are not mandatory, they include "cookie care cards" with their deliveries. The cards provide storage instructions to customers, allowing the cookies to remain fresh for up to three days before requiring freezing.

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-24-2018, "The Cookie Stand" at 2512 West Tillery Circle, subject to the following conditions:**

1. **The site, structures, and use shall remain in compliance with 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 other outside agency 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. Applicant may use up to 50% of the basement for business activities.**
- 6. No business activity may take place before 7 am or after 7 pm.**
- 7. Applicant is allowed to have one full-time non-resident employee.**
- 8. Customers must be provided off-street parking.**

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

- B. "BELCHAK SENIOR LIVING," PLZ-24-4003, A REZONE APPLICATION FOR 1.06 ACRES LOCATED AT 3807 WEST 11800 SOUTH FROM R-3 (LOW-DENSITY RESIDENTIAL) TO R-3 WITH AN ELDERLY HOUSING OVERLAY (EHOV). APPLICANT - THOMAS BELCHAK.**

City Planner, Tim Prestwich presented the Staff Report and stated that the request is to rezone the area at the north end of the city, near 11800 South, to R-3 with an Elderly Housing Overlay. The surrounding area is currently zoned R-3. Previously, large R-3 single-family homes existed to the north in South Jordan. However, these homes were replaced with high-rise and District apartment buildings approximately 20 years ago. The area has undergone significant transformations over time, with the R-3 homes persisting for an extended period. Reference was made to Ivory, located at the corner of 3600 West, which the Commission might recall from a previous rezoning for land development purposes.

The subject property, which encompasses 1.06 acres, extends into the road. Approval of the rezoning would require resolving this issue during the development process. The surrounding area includes a Riverton neighborhood and borders South Jordan. The property was originally owned by individuals who subsequently sold a large portion to Ivory for development. While the original owners intended to remain, there may have been subsequent changes in ownership. The current applicant, Mr. Belchak, has resided on the property for a substantial period of time and desires to develop housing that complies with the Elderly Housing Overlay. The application and Ownership Declaration have been submitted and verified to be in order.

Notices were sent out to the neighbors within 1,000 feet. Due to the high density of apartments and condominiums in the area, this was one of the largest notifications ever undertaken.

A visual presentation was shown, including a close-up of the property with an aerial overlay and the zoning map. The area encompassed the region between Bangerter Highway and the newly designated RM-6. The surrounding area, extending down to Midas Creek, was zoned RM-3.

A more detailed view of the property was presented, revealing an existing home at the front of a narrow and deep lot. The requested Elderly Housing Overlay had been a topic of previous discussions and adjustments took place a few years earlier. Mr. Prestwich referenced a prior conversation regarding the Homestead subdivision, which featured age-restricted housing but did not necessitate the Elderly Housing Overlay due to the ability to achieve their desired zoning through alternative means. The current situation, however, was presented as distinct and aligned with the intended purpose of the ordinance, which was designed to accommodate such requests. The revised Code states that the Elderly Housing Overlay permits a density bonus.

Mr. Prestwich outlined the potential density bonuses available for developments with housing deed-restricted for independent senior living. Such developments may qualify for a bonus of up to 100%, or double, the density permitted by the General Plan designation. For example, if the zoning is R-3 they are allowed three units per acre. They could potentially be granted up to six units per acre without requiring a modification to the General Plan with the Elderly Housing Overlay.

Mr. Prestwich explained that the City has the authority to establish appropriate conditions during the approval process for the Elderly Housing Overlay on a specific property. These conditions, once approved, would become permanent and run with the land. Examples of such conditions include minimum lot size requirements, limitations on the maximum number of units, restrictions on unit type including potential limitations on height or number of stories, and a distinction between public and private infrastructure. Mr. Belchak's application indicates his intention to utilize private infrastructure and limit the development to four lots.

A limitation of no more than four lots was proposed for the property, with a single unit permitted on each lot. This stipulation ensured the development of single-family units rather than duplexes. The project's infrastructure would be private, which, given the specific layout of the lot, would likely necessitate a fire turnaround. The applicant has proactively included this element within their conceptual plan.

Deed restrictions are to be placed on the property and individual units, limiting ownership to individuals aged 55 and over. Additionally, each unit would be required to incorporate a minimum of four age-friendly features as outlined within the City Code. To qualify for the density bonus associated with the Elderly Housing Overlay, the City's Code mandated architectural modifications to include mobility features. The Planning Commission would make a recommendation to the City Council regarding the specific number of required

features, with options ranging from three to five. Following the City Council's determination, the Building Department would be responsible for ensuring the inclusion of these features, as stipulated by a list within the Code. The applicant, in collaboration with their architect or builder, would then have the opportunity to select the required number of features from this pre-defined list. The applicant's request for four features aligned with the minimum requirement for obtaining the density bonus.

An explanation was provided regarding the similarity of the presented proposal to potential development of single-family units without the Elderly Housing Overlay. The conceptual plan included a private lane with a one-sided drive approach, a fire turnaround, shared driveways, and residential units. The units appeared to be of a slightly smaller size than those typically found in an R-3 zone. A more detailed view of the layout was presented, highlighting the dimensions of the 25-foot drive and turnaround. It was emphasized that the plan remained conceptual, as neither the fire department nor the engineering staff had yet conducted their reviews. However, from a conceptual standpoint, the proposal seemed on the right track, with any necessary adjustments anticipated to occur with Staff assistance after the zoning change is finalized.

Mr. Prestwich clarified that the core decision for the Commission was whether to approve the application of the Elderly Housing Overlay, given the existing R-3 zoning designation. A summary of the applicant's four requested items was provided. Staff recommended approval with the conditions set forth in the Staff Report.

It was noted that the City Council would be informed of the meeting details, either through attendance or by reviewing the minutes. A single public comment was available for review within the shared folder.

Clarification was sought by Commissioner Rushton regarding the staff recommendation and the Elderly Housing bonus. He asked if approval of the motion for R-3 with a two-times density bonus would allow the applicant to construct up to six units. This scenario reflected the potential for a doubling of the permitted density, essentially achieving an R-6 designation.

Staff responded by providing a reminder that one of the functionalities of the Elderly Housing Overlay is the ability to limit the number of units. In this case, the applicant requested only four units. This limitation would be incorporated into the zoning designation and permanently attached to the land. Furthermore, it would be recorded within the Geographic Information System ("GIS") to prevent future oversight by Staff. This limitation would serve as the definitive factor in determining the number of units the applicant is authorized to construct.

Commissioner Rushton raised a follow-up question. He referenced a collaborative brainstorming session that had occurred a few weeks prior with the City Council. During this session, infill development was identified as a priority for further focus. He inquired about any motions or decisions made regarding a review of the Master Plan. Staff explained that the budget allocated for the consultant would not be available until the commencement of

the next fiscal year. Consequently, the initiation of the process with the consultant would be delayed until after July 1st.

Commissioner Cannon asked about the designation of 11800 South as either a State or City Road. Confirmation was provided by Staff that 11800 South is a City Road without any ownership division. Commissioner Cannon asked if the applicant would require approval from the Utah Department of Transportation ("UDOT") for the entrance due to the potential for increased traffic. Staff clarified that UDOT approval would not be necessary since 11800 South was designated as a municipal Street and also serves as the border between Riverton and South Jordan.

A question was raised as to whether the applicant is the current owner and resident of the home. Staff confirmed that was the case. It was inquired about any plans for the applicant to reside in one of the units after construction. Staff confirmed that the applicant did indeed intend to occupy one of the units following construction.

A question was raised regarding specific points mentioned during the public comment. Commissioner Park requested clarification from Mr. Carter as to whether any portion of the comment could be substantiated. It was noted that several years ago, there was a collaborative project between Riverton City and Mr. Belchak to construct a sidewalk across the property frontage that involved lengthy negotiations. He stated that those conversations do not speak to the question of what is the highest and best use of the property. He stated that with the current project, there should be financial guarantees in place to prevent future issues. He commented that if Mr. Belchak is unable to complete the project, market forces will.

In response to a question raised, Mr. Prestwich confirmed that the acreage issue stemmed from an agreement that was established during the acquisition of the Sidewalk Easement. The City, at the time of acquisition, pledged to ensure that acquiring the sidewalk would not result in a reduction of the property's gross acreage. Ordinarily, the subdivision process would necessitate a developer dedicating a portion of their raw acreage, ultimately preserving the net acreage. However, in this specific instance, the City proactively acquired the sidewalk as a separate entity, securing a public right-of-way easement rather than acquiring it through fee simple absolute ownership. Consequently, the sidewalk acquisition did not lead to a reduction in the acreage.

Mr. Prestwich referenced a specific location on the map regarding the accuracy of the acreage of the property. He confirmed that the acreage reflected on the map was accurate and that the concern raised within the public comment was unsubstantiated. While acknowledging the potential rationale behind the public comment, he reiterated that the property exceeds one acre, which allows the application to proceed.

A question was raised regarding the distribution of notices and whether the City was obligated to notify those who reside in South Jordan. Mr. Prestwich clarified that the Code does not differentiate between city residents and non-residents and notice must be sent to all property owners within 300 feet.

Regarding the original proposal for apartments, they were first proposed as condominiums. However, the current situation involves single ownership with no individual sales ever having occurred. This was viewed as an unfair burden on the applicant, who was forced to pay for notices to be sent. A personal experience of applying for something in the same neighborhood, where all notices were directed to Wasatch Properties instead of individual homeowners was shared.

It was suggested that there be an exception to the notification process and instead notify only the property owner rather than sending a notice to individual addresses. The financial cost of sending notices to over 400 units was highlighted. An apparent misrepresentation was pointed out. The apartments were initially presented as senior living townhomes but subsequently converted into an apartment complex by Wasatch Properties after receiving approval. Commissioner Park suggested tabling the issue for a later discussion with the Planning Department and the City Attorney. It was determined that the current forum was not the appropriate venue for resolving the matter.

Commissioner Cluff sought clarification regarding the guidance provided during the Code's creation of the Elderly Housing Overlay. Specifically, she questioned whether the City Council intended for this overlay to be a preferential or encouraged option, or if it was established without any designated purpose or direction. Mr. Carter stated that the Code does not contain explicit eligibility requirements that would support the application of the overlay to one parcel over another. He emphasized the importance of the Planning Commission's independent evaluation of each case, taking into account the surrounding environment. Key considerations included whether the proposed use would be compatible with the area and if it would introduce any significant impacts compared to its current use. He outlined several factors for evaluation, such as traffic concerns, waste management, utility management, and maintaining harmony with surrounding property owners. He stated that these general land use criteria should be followed when making recommendations for zone changes.

An inquiry was made regarding the primary rationale for applying an Elderly Housing Overlay in the context of planning and zoning. The question centered on whether the objective was to permit a greater number of units within a designated area or if a broader goal of specifically catering to elderly residents existed.

Commissioner Cannon has had extensive experience with shortages in elderly housing inventory in other cities. He asked if the zoning is approved and whether an HOA could be required once the first home is occupied. He also asked about the exterior architecture and stated that 55+ buyers like to be in neighborhoods and like the community feel. He has had issues with going too small with 55+ communities. Mr. Carter explained that the Code does not contain any provisions that would support recommending a more lavish exterior surfacing than already exists in the Code. He stated that the Legislature has implemented statutes that are pushing cities in the opposite direction.

With regard to the HOA, he considered it a reasonable recommendation for the City to ensure that an HOA is recorded with the subdivision plat. In situations where subdivisions

include shared private facilities, the City routinely ensures the establishment of an HOA including the creation of Codes, Covenants, and Restrictions ("CC&Rs"). These documents are reviewed by the Planning Department after which they are provided to Mr. Carter.

Mr. Carter emphasized that a common problem encountered in private gated communities is the financial mismanagement of shared facilities due to the failure to collect dues over time. The result is that communities often face significant challenges when maintenance needs arise, ultimately leading them to seek assistance from the City. To mitigate this risk, the Planning Department reviews the CC&Rs to ensure that they include appropriate provisions. The Planning Department's role is limited to verifying that the correct documents were recorded and that annual inspections of financial records are not feasible.

Commissioner Park reported that the applicant referenced a project directly north that was originally intended to be a 55+ community but ultimately developed as standard apartments. He characterized this situation as a "bait and switch" tactic. Commissioner Park sought clarification on whether the zoning change if approved, could be revoked in the future, and if so, what the process would entail. He also asked about measures that are in place to prevent a similar occurrence.

Mr. Carter stated the importance of ensuring that a designated 55 and older community remains as such. He outlined the approval process phases, where higher density bonuses were offered for these communities. However, challenges sometimes emerge during the subdivision stage. In a recent case, the City Council failed to establish limitations on architectural design during the zoning phase, specifically omitting a requirement for single-story units. This oversight allowed the developer to construct multi-story buildings that necessitated elevators. The developer then cited difficulty selling the units to the target market of residents aged 55+ and requested a zone change removing the overlay to accommodate younger families.

Mr. Carter stated that the City Council could have imposed limitations on building features during the initial zoning stage, such as a restriction to single-story units. This measure would ensure that the properties remain suitable for the intended demographic and prevent the issue of unmarketable two-story buildings. An alternative solution would be a straightforward rejection of the developer's request by the City Council.

A question was raised regarding whether condition four within the recommended motion addressed the issue of incorporating mobility and age-friendly features as outlined within the Code's definitions. Mr. Prestwich acknowledged the need for verification and indicated he would check the definition. He acknowledged the possibility of imposing height restrictions, either by establishing a fixed height or specifying the number of stories permitted.

Mr. Carter recommended incorporating a provision within the current motion, rather than deferring it to a later stage in the development process, that would limit the building height to a single story. The importance of including this restriction within the zoning Code itself was stressed as it would be impossible to enforce once the zoning change is finalized.

It was noted that under the current R-3 zoning the applicant could potentially construct two units on the property, each containing an Accessory Dwelling Unit ("ADU"). This could effectively result in nearly four additional units. It was noted that the existing height limitations would be 25 feet for the second unit and 35 feet for the primary unit, effectively ensuring single-story structures due to the 25-foot restriction.

Commissioner Cannon asked about the potential keeping of up to four large animals on the property. This could create issues for the neighbors and attract flies and, odors, and noise.

The applicant, Tom Belchak commented on the limited availability of housing options for elderly residents in the area. He hoped his plan would result in an attractive addition to the City. Commissioner Rushton asked if the goal is to get four units or if it is specifically targeted to seniors rather than simply rezoning to R-4. Chris Dugan, Mr. Belchak's friend and neighbor, stated that the decision to pursue R-3 zoning instead of R-4 stemmed from a previous attempt at rezoning the property to R-4 about 10 years ago. The request was ultimately denied by the Planning Commission due to opposition from neighboring residents. Mr. Dugan emphasized that the current objective extends beyond simply maximizing the density. There was also a desire to provide housing options for individuals who might struggle to afford the luxury homes that are prevalent in nearby developments.

It was further acknowledged that rezoning to R-4 without the Elderly Housing Overlay would offer greater flexibility regarding potential buyers. The decision to pursue the Elderly Housing Overlay was influenced by past challenges and a desire to operate within the framework of the existing zoning system. The feasibility of constructing six units on the property was also mentioned. However, Mr. Dugan reiterated that the applicant prioritized the needs of the community over maximizing profit.

It was inquired further, questioning why a simple rezoning request to R-4, which could accommodate any demographic including seniors, was not pursued. Mr. Dugan explained that, following prior unsuccessful attempts and the significant costs associated with notifying neighbors, Mr. Belchak was now aiming to operate within the parameters of the current zoning regulations. Mr. Dugan pointed out the potential for the applicant to develop the property into three lots with ADUs, ultimately resulting in six units. The Elderly Housing Overlay will serve two purposes - a form of insurance policy guaranteeing a feasible project, and also an effort to address the housing needs of older adults who desired to reside in Riverton but were financially constrained by current market rates.

Mr. Dugan concluded by reiterating that the applicant's primary objective remained the creation of a viable development that addressed both his financial interests and the housing needs of his generation and income bracket. In response to a question, it was reported that the intent is to raze the existing home.

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

Commissioner Rushton expressed interest in the possibility of incorporating a single-story restriction into the project. He noted that other senior overlay communities in the City allow two-story structures. He asked for clarification on how the City would differentiate the restrictions placed on this project from the already established for existing Elderly Housing Overlay projects that allow for two stories. Mr. Carter acknowledged that the Commission can make independent decisions that are not bound by prior rulings. However, it was important to consider the potential impact of a two-story structure on neighboring properties. A two-story building situated adjacent to existing single-story homes could be perceived as architecturally invasive within the neighborhood.

Commissioner Rushton asked about the possibility of the Planning Commission recommending a rezoning to R-4. Mr. Prestwich advised against this course of action due to uncertainties surrounding the property size and the potential rationale behind the applicant's pursuit of the Elderly Housing Overlay. A compromise was suggested whereby the Commission could make a recommendation, proposing that the current application be considered alongside a potential rezoning to R-4.

It was stated that the Planning Commission could make a positive recommendation on the current application. However, this recommendation could be coupled with a suggestion for the City Council to explore the possibility of an R-4 rezoning in parallel. This dual approach would allow both options to progress concurrently. Mr. Carter emphasized the importance of deference to the applicant, acknowledging the investment already made. Respect for the application dictated that the question of the Elderly Housing Overlay remains the primary focus during the processing stages. Should the Planning Commission identify an alternative proposition that resonated with them, its inclusion for consideration would still be possible.

Commissioner Cluff commented on the precedent established in the nearby Ivory development. In that project, stipulations were imposed requiring that homes bordering the existing neighborhood be restricted to single stories. Therefore, applying this same limitation to the current development would be consistent with established practices.

Commissioner Park expressed interest in Mr. Belchak's proposed solution, particularly in light of his persistent efforts over the years. He voiced support for the single-story restriction and stressed the importance of ensuring that the new properties are aesthetically integrated into their surroundings. He expressed concern regarding Commissioner Cannon's past experiences with similar projects. He worried about potential sales difficulties with the properties potentially falling into disrepair if Mr. Belchak encountered challenges moving his inventory. Despite this concern, Commissioner Park acknowledged the property's proximity to shopping and healthcare facilities, suggesting it as an ideal infill solution, contingent upon Mr. Belchak's ability to navigate the challenges and ensure its success.

Commissioner Cannon shared his experience and noted that he recently completed two projects in West Jordan over the last five years, each consisting of 14 and 18 lots designated as 55+ communities. Unfortunately, both projects failed after he sold them to builders with the overlay in place. He expressed regret, as he initially believed there was a need for this type of housing. The builders eventually went back to West Jordan City and got the zoning

reversed so they could sell to anyone. Once the zoning was changed, the properties started selling, although it was unfortunate for the few seniors who were happy with the original designation.

Commissioner Cannon explained that the demographic of 55 and older buyers often prefer to live in communities with others of their age, which was a significant factor in the initial failure. The properties are now selling well but are priced at around \$600,000 and not as high as the Ivory Development.

Commissioner Park was inclined to give Mr. Belchak an opportunity to see if he could make the project work, suggesting an additional requirement to limit the buildings to a single story to better fit with the surrounding neighborhood. He agreed to this approach.

A question was raised regarding the classification of a bonus room as a second story. It was clarified that within the context of the aforementioned Ivory development, a bonus room did not constitute a second story. A proposal was made regarding the possibility of incorporating a bonus room above the garages as a potential solution. Mr. Prestwich confirmed the feasibility of this suggestion. He further noted that if a specific height restriction was being contemplated, specifying the measurement from the finished grade would be beneficial. He explained that the City Council, in the case of the Ivory development, approved plans for one story with a bonus room, where the bonus room was not counted as a full story.

With regard to the specific height limitation, it was suggested that if the Planning Commission could recommend a single-story limitation, the City Council could reserve the right to establish a specific height restriction later. It was recommended that the motion specify a single-story dwelling without a bonus room should the applicant not desire a high-pitched roof with space for an additional room. It was further noted that the surrounding neighborhood's architectural style, consisting primarily of standard single-story homes, would not be aesthetically compatible with such a design.

Attention was drawn to the presence of two-story homes within Oxford Farms. Furthermore, multi-story structures were observed on three sides of the area under consideration. Commissioner Rushton argued that such a restriction could be perceived as an infringement on the applicant's right to reasonable use of their property, particularly given the presence of two-story structures in the surrounding areas.

A review of the map was conducted, confirming the two-story nature of neighboring homes. There was discussion regarding the relevance of this information to the applicant's requested zoning designation. Commissioner Rushton acknowledged the existence of specific considerations associated with the higher-density Ivory Homes development. He emphasized that the current application sought R-4 zoning, a designation less dense than the RM-6 zoning of the Ivory development.

Commissioner Rushton highlighted a perceived inconsistency. The subject property was not developed concurrently with the surrounding properties. However, the existing residents

are now opposed to the applicant developing in a manner similar to their own properties. This observation led to a broader discussion concerning the implications of the decision on the concept of reasonable land use.

Mr. Prestwich acknowledged that the initial recommendation for single-story homes stemmed from a misunderstanding. He previously believed that all surrounding homes were single-story ranch-style dwellings. Upon verification via Google Earth, which revealed the presence of two-story structures in the vicinity, they reconsidered their position.

A question was raised regarding whether the City Council, as the ultimate authority on land use matters, can adjust setbacks or other requirements to facilitate the development of four units without the need for the Elderly Housing Overlay. An explanation was provided, stating that if the property were restricted to a size under one acre, it might necessitate being treated as an SD. This designation would necessitate additional steps in the process, but it could be a viable option contingent upon the direction provided by the City Council. The City Council, in collaboration with Staff, could approve an R-4 designation with the inclusion of four buildable parcels. However, this course of action would require the implementation of certain exceptions or exclusions from the standard R-4 zoning regulations.

It was confirmed that even in the scenario where the property falls below one acre due to its encroachment onto the sidewalk, the City Council would still be required to pursue SD for the approval of the R-4 zoning. Mr. Prestwich concurred and stated that the process would subsequently return to the Commission for review of the concept site plan for the private lane, which would be treated as a conditional use.

Commissioner Rushton clarified that his concerns did not originate from a desire to limit future possibilities. They stemmed from a prior discussion concerning senior housing developments. While acknowledging Commissioner Cannon's successes in this area, including a self-sustaining development near the golf course, Commissioner Rushton expressed apprehension about the niche nature of a four-unit development. He anticipated challenges in securing initial residents and doubted the long-term viability of maintaining the community's integrity. In his opinion, permitting a slightly higher density for this infill project, exceeding the surrounding area, constituted a reasonable approach.

Commissioner Park referred to the rejection of the R-4 zoning proposal by both the community and the Planning Commission. This served as the rationale behind the applicant's current proposal for the Elderly Housing Overlay. He asked the applicant if that is something he would desire. Commissioner Park emphasized the potential for an adverse outcome associated with Commissioner Rushton's proposal.

It was proposed that the application be advanced with the Elderly Housing Overlay remaining in place. It was also suggested that the inclusion of a recommendation for the City Council to consider R-4 rezoning. This approach would provide the applicant with a fallback option, allowing them to retain the Elderly Housing Overlay or remove it in favor of the R-4 zoning if the current proposal faced community rejection. The potential difficulties associated with transitioning to R-4 zoning, particularly regarding the lot size requirements

after necessary deductions were acknowledged. In this scenario, it was suggested that an SD designation could be a viable solution, with Staff responsible for determining the specific conditions.

It was further noted that there's an apparent absence of community opposition to the current proposal. This observation was based on the lack of objections raised during the meeting, a stark contrast to the previous experience with the R-4 zoning proposal.

Commissioner Park's question focused on the applicant's potential interest in revisiting the R-4 zoning option, given the changes observed in the neighborhood. Mr. Carter speculated on the applicant's possible agreement, considering the current proposal essentially served as a reset of the prior application history. He reasoned that if R-4 zoning had been a favorable outcome in the past, it might still be viewed as such in the present. Mr. Carter proposed incorporating the option of recommending R-4 zoning into their motion. This would allow for further investigation and discussion with the applicant before the City Council meeting. He suggested a second recommendation to accompany the current proposal, indicating the Commission's belief in the potential merit of an alternative approach.

It was acknowledged that in the event the Planning Commission approved four lots without granting the Elderly Housing Overlay, those lots could technically all have ADUs.

Commissioner Cannon expressed apprehension regarding this possibility. It was further emphasized that Staff would likely recommend the use of an SD designation as the most appropriate tool for regulating such a development. Mr. Prestwich explained that a Development Agreement could be drafted to specify that the property could have four units without the Elderly Housing limitation and without ADUs. He concluded by suggesting that if this approach aligns with the Commission's direction, a motion could be made to that effect. Staff would then be responsible for working out the specifics of the Development Agreement.

In response to a question raised, Mr. Carter clarified that the applicant's objective is to provide affordable housing options for individuals over the age of 55. However, it was emphasized that the applicant would still retain the freedom to sell to any potential buyer, ensuring that their decision did not impose restrictions in that regard.

**Commissioner Rushton moved that the Planning Commission recommend APPROVAL of Application PLZ-24-4003, for the rezoning of 1.06 acres located at 3807 West 11800 South by adding the Elderly Housing Overlay ("EHOV"), subject to the following conditions:**

- 1. The property will be limited to no more than four (4) lots, with one (1) unit per lot allowed.**
- 2. Infrastructure within the project area, including access and utilities, shall be private, and in compliance with all City codes and standards.**

3. **The property and units shall be deed-restricted to ownership individuals aged 55 or older.**
4. **Units within the property shall include a minimum of four (4) "mobility/age-friendly" features as defined in 18.120.070(2) and as approved by the City prior to construction.**
5. **The City Council should consider a rezone to R-4 with an SD that would allow four buildable units total.**

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

**C. "M & M FARMS," PLZ-24-2019, AN APPLICATION FOR A TEMPORARY CONDITIONAL USE PERMIT TO OPERATE A CORN MAZE AND SELL PUMPKINS FOR 60 DAYS AT PROPERTY LOCATED AT 13597 SOUTH 2700 WEST. APPLICANT - MATT SHADLE**

Ms. Halversen presented the Staff Report and stated that the request would have been easier to approve as a temporary commercial use. She noted that the subject property is a field that is zoned residential. The applicants, Matt and Alicia Shadle were eager to proceed and would be participating remotely. The property is located on the southeast corner of 2700 West and 13600 South and consists of 18 acres and is zoned RR-22. The property is currently used for agriculture. The applicant intends to have a corn maze and pumpkin patch in the fall. Few residential properties will be impacted. The surrounding areas include fields, a school, and a church, with a residential neighborhood situated across 13400 South. The field to be used for the corn maze and pumpkin patch has frontage on both 2700 West and 13400 South. The property was to be divided into three with the northern section to be used for parking, the middle for pumpkin sales, and the bottom section for the corn maze.

Hours of operation will be from 10:00 am until dusk, with on-site parking available. They do not plan to be open on rainy days. The applicants expressed interest in utilizing the school parking lot across the street and were in discussions with the school district. The applicants do not plan to have music, lights, or permanent structures.

Ms. Halversen stated that the proposal is for a temporary commercial use although City Code specifies that a temporary commercial use may only take place on commercially-zoned parcels except as described in the Riverton City Code for home occupations. However, this exception also lists activities that are considered inappropriate for home occupations, including Christmas tree stands, firework stands, pumpkin patches, and corn mazes.

Ms. Halversen emphasized the City Code's acknowledgment of such businesses but its failure to provide clear regulations for their operation. It was noted that previous examples of similar businesses within the City had been situated in commercial parking lots, whereas the current proposal involved a field. An additional exception within the Code, applying to

products produced on-site, was identified as relevant to the proposal, considering their intention to sell pumpkins grown on the property. Ultimately, the decision regarding the authorization of the proposed activities was placed before the Council.

A presentation of the mailer distributed to all neighboring properties was delivered by the speaker. It was noted that only one comment was received, and it did not express opposition. The comment raised concerns about parking, security lighting, and other unspecified issues. These concerns were subsequently addressed by the applicant. The applicant clarified that due to the absence of on-site power, there would be no lighting. Additionally, they did not plan to implement any specific security measures. Parking was stated to be on-site unless an agreement with the school district regarding overflow parking could be reached.

A series of photographs depicting the property from various angles was presented. Staff recommended approval with the conditions set forth in the Staff Report.

Commissioner Beck sought clarification on the duration of temporary permits, specifically whether they were issued for a one-year period or for a continuous 60-day timeframe. Ms. Halversen responded with confirmation that temporary permits were valid for 60 days within a one-year window, but not necessarily for the same consecutive 60 days.

Commissioner Park raised a question concerning lighting restrictions. Neither the applicant nor the sample motion included any restrictions on lighting use. He observed that portable generators with lights are commonly used in corn mazes. If lighting posed a concern, or if the operator intended to utilize such lighting, he suggested incorporating a provision into the motion that would either prohibit portable lighting entirely or establish a specific time for powering it off. He pointed out that the proposed motion already extended operational hours by one hour beyond the applicant's request, potentially resulting in operations continuing past dusk, particularly towards the end of October. He expressed a desire to hear the applicant's perspective on this matter. He concluded by stating that if portable lighting was indeed desired, the motion should include stipulations regarding permitted hours of use and specific guidelines for its operation.

An inquiry was made by Commissioner Rushton regarding the standard duration of temporary permits. He sought clarification on whether the Planning Commission possessed the authority to extend the 60-day limit. In response, confirmation was provided that 60 days represented the maximum allowable timeframe as dictated by the Code. Commissioner Rushton then sought further clarification, inquiring whether the 60-day period commenced from the start date, such as mid-September. An explanation was provided that while the applicant's proposal outlined a 45-day timeframe, they would indeed be eligible for the full 60 days granted by the permit.

Commissioner Cannon mentioned that the property was near his home and observed a small pumpkin sales operation having been conducted there for the past years. He acknowledged having personally purchased pumpkins from this operation in the past and noted its apparent expansion into the corn maze industry. A nostalgic reference was made

by Commissioner Cannon to a former pumpkin patch in Riverton, situated on a property now developed by Ivory Homes. He lamented the closure of this establishment, noting the community's lack of a similar local pumpkin patch since that time.

Commissioner Cannon was intrigued by the evolution of pumpkin patches and corn mazes over the past two decades. He further observed that these operations did not appear to have had a significant impact, if any, on local grocery store pumpkin sales. Insights were then shared by Commissioner Cannon drawing from his own business experience that included hosting an annual pumpkin patch event. He highlighted dust and mud as the most significant challenges encountered, expressing satisfaction with how the current proposal addressed these concerns. An additional observation made by Commissioner Cannon was the likelihood of the applicant leasing the property from Mr. Carlson. He emphasized the neighbors' familiarity with the operation for the past two years, with minimal opposition reported, suggesting a general level of community acceptance.

Concern was expressed regarding the proposed parking arrangements, particularly the idea of parking across the road at Kauri Sue Hamilton school for the disabled due to potential safety hazards for children. He advocated for on-site parking as a means of enhancing safety.

The applicant was present via Zoom. He highlighted the positive relationships built with neighbors. He emphasized their commitment to avoiding disruptions and addressing any concerns that might arise promptly.

A sense of pride in being part of the Riverton community was expressed by Mr. Shadle along with their intention to cultivate gradual growth for the business. Their goals included employing local teenagers and contributing positively to the community as a whole. The historical context was also referenced, with a mention of the former corn maze developed by Ivory Homes. He acknowledged the community's desire for such attractions.

Exploration of various options was mentioned, including potential utilization of the school parking lot with the implementation of a people mover to ensure safety for pedestrians. Emphasis was placed on the well-considered nature of the operation. Mr. Shadle assured the Commission of their preparedness to handle any issues, including dust and mud control. Closure of the patch during inclement weather to prevent problems was presented as a solution.

Concerns regarding lighting were also addressed by Mr. Shadle. The need for security lighting to promote safety was acknowledged. A proposal for four quiet, non-disruptive light plants was presented. He assured the Commission that these lights would be turned off at a reasonable hour and outlined plans for nighttime security to safeguard the corn maze from vandalism.

A question was raised regarding the applicant's experience in operating pumpkin patches or corn mazes, with a request for clarification on whether they had undertaken similar projects in other locations. The applicant responded by explaining their 25-year history of operating

a pumpkin patch in Sandy, Utah. He noted a decrease in pumpkin sales at the Sandy location following the opening of the Riverton operation. He emphasized the greater appeal of an authentic farm setting compared to locations dominated by asphalt. While mentioning their farming activities in Spanish Fork, he expressed a preference for focusing on the Riverton project due to its historical significance for his family.

On the topic of lighting, a solution was proposed by Commissioner Rushton. This solution allowed for operational lighting until 9:00 pm, followed by a switch to reduced overnight security lighting compliant with the existing Code. Mr. Shadle was in agreement and suggested using solar motion-activated lights for security purposes. He clarified that despite his remote attendance during the meeting, he would be actively involved in the planting and management of the operation upon his return to Salt Lake City.

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

The issue of lighting was raised by Commissioner Park, who expressed his belief that the applicant should be granted the ability to illuminate the corn maze and facility as required. Operational hours were noted to allow lighting until 9:00 pm or 10:00 pm, necessitating the deactivation of primary lighting by 10:00 p.m. at the latest. Concerns regarding directional lighting and light spillover into neighboring areas were voiced, prompting a discussion on how to best address these concerns from the residents' perspective.

The addition of a condition permitting temporary lighting was proposed. This lighting would need to be turned off by 10:00 p.m. and directed away from residential areas after that time. An inquiry was made by Commissioner Park regarding the necessity of a typical lighting survey, outlining light levels in various locations. A proposal was made that temporary lighting should be directed away from residential properties, deactivated by 10:00 p.m., and adhere to Riverton City's commercial lighting standards. This approach would provide additional enforcement and guidance, ensuring lights were pointed downwards and away from residences.

The applicant's potential use of four lighting towers was mentioned. It was inquired whether a stipulation limiting the number to four should be implemented, or if the applicant's requirement for five or six towers upon completion of setup would be acceptable. Given that the property is 18 acres in size, it was agreed that restricting the number of towers was unnecessary, provided all other standards were met. Confirmation was received from the Planning Commission regarding their authority to establish these conditions.

An inquiry was made regarding the necessity for specific descriptions or restrictions governing the use of a people mover to transport individuals from the school or leave the matter to common sense. Ms. Halversen pointed to condition number six, which mandated customer use of off-street parking. The condition emphasized the importance of preventing vehicles from parking along the main roads. She suggested that if the applicant secured an agreement with the school district and implemented a shuttle service, such micromanagement might be unnecessary.

A concern was raised regarding the potential for people to cross the street in the absence of a specific mention of a people mover service. This scenario could create a safety hazard. It was suggested that such crossings would likely occur regardless of any actions taken unless a specific restriction was implemented prohibiting parking at Kauri Sue and mandating on-site parking for all visitors.

An argument against delving into the specifics of these issues was presented by Commissioner Rushton. He asserted that public safety concerns would be addressed by the police and fire departments in the event of an incident. While acknowledging the existence of various potential risks, Commissioner Rushton recognized the applicant's role as a business owner who would prioritize the well-being of their clients. He pointed out the inevitability of some parking across the street, which the applicant would be responsible for mitigating as part of their business operations. Commissioner Rushton suggested that if significant concerns persisted, the entire proposal could be denied, with the property remaining designated for agricultural use to eliminate any associated risks.

It was noted that a stipulation requiring on-site parking would place the responsibility for enforcement on the applicant, necessitating the removal of any advertising for off-site parking at Kauri Sue. It was clarified that the existing regulation prohibiting street parking already addressed this concern, and questioned the substantial difference between the current regulation and strict enforcement of on-site parking.

Commissioner Rushton noted that although there was a desire to prevent parking at Kauri Sue and subsequent pedestrian attempts to reach the pumpkin patch, he acknowledged the difficulty of controlling such behavior. He concluded by stating the reasonableness of requiring on-site parking, recognizing that people would ultimately act as they choose.

**Commissioner Park moved that the Planning Commission APPROVE PLZ-24-2019, "M & M Farms" at 13597 South 2700 West, subject to the following conditions:**

- 1. The site, structures, and use shall remain in compliance with all applicable Riverton City standards and ordinances, including the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. Applicant must take preventive measures to ensure that any dust or mud-tracking will be mitigated consistent with City standards.**
- 3. Applicant must obtain and maintain a Riverton City Business License.**
- 4. Applicant must obtain and maintain applicable State and other outside agency approvals.**
- 5. No business activity may take place before 9 a.m. or after 10 p.m.**
- 6. Customers must use off-street parking.**

7. The applicant must have portable toilets for public use on-site, consistent with Salt Lake County Health Department requirements.
8. Portable temporary lighting may be used and must be turned off at 10:00 p.m. Lighting shall be directed away from residences and be compliant with the Commercial Exterior Lighting Ordinance.

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

**D. SCHOOL ORDINANCE TEXT CHANGE, PLZ-24-5002, RIVERTON CITY PROPOSES TO AMEND SECTION 18.195.060(3)(b)(i), ADDRESSING MINIMUM PARCEL SIZE FOR A PUBLIC OR QUASI-PUBLIC SCHOOL.**

Mr. Prestwich presented the Staff Report and stated that there are various methods by which an ordinance changes. One method involves an application submitted by an applicant, which is then directly responded to by the Commission. Another method involves the City Council directing Staff to make a change to the Code. Additionally, Staff may introduce an application or proposed change that seems logical after discussions with property owners, potential applicants, and informal conversations with City Council members. The current proposal falls into the latter category.

Mr. Prestwich mentioned that changes in circumstances have rendered the existing Code less practical and potentially counterproductive. Therefore, an amendment is being proposed to gauge the City Planning Commission and City Council's perspective on the matter. The proposal is highly specific to private or quasi-public schools.

The proposed Code amendment pertains specifically to private or quasi-public schools. These schools are classified as a conditional use within the existing Code and are permitted in residential areas, with potential allowance in commercial areas as well. Currently, a minimum property size of three acres is mandated for such schools. This requirement was implemented in response to a previous attempt by a large charter and private school to establish itself within the City.

Recent modifications to State Code, along with feedback received from potential applicants, have revealed a trend towards smaller schools with fewer students. In some cases, these schools may only require one acre or even less property. This trend constituted new information for the Staff. Interest has been expressed by prospective schools in locating within Riverton to serve the communities of Riverton, South Jordan, and the southwestern portion of the valley. However, these potential sites often fail to meet the current three-acre minimum requirement.

The proposal does not advocate for alterations to existing parking or landscaping requirements. It aims to allow proposals from smaller schools for sites as small as one acre. The proposed Code language would state: The minimum property required for a private or

quasi-public school shall be one acre. More acreage may be required for larger facilities as determined by the city. The Planning Commission would retain its authority to review each proposed site and could mandate a larger property size if deemed necessary.

A suggestion was made to replace the term "parking" with drop off and pick up within the proposal. This change was presented as a more accurate reflection of the traffic challenges associated with smaller schools. It was noted that smaller schools typically have limited staff, often consisting of only five to 10 teachers and a few cooks. The primary concern identified was traffic congestion, particularly on busy roads experiencing increasing traffic volume. The current proposal was acknowledged as addressing a specific parcel of land while also emphasizing growing traffic concerns on moderately busy roads.

It was elaborated that one of the initial concerns that led to the three-acre minimum requirement for properties pertained to the challenges associated with site drop-off. A specific facility with nearly 30,000 square feet was mentioned, which would be impossible to fit on a one-acre lot and barely manageable on a close-to-three-acre property.

Commissioner Park indicated that any concerns regarding the site plan for a one-acre property would be addressed during the application submission process and subsequently evaluated at that time. Mr. Prestwich assured the Commission that any issues arising would be dealt with accordingly. He suggested adding a provision empowering the city council to adopt a motion. The motion would specify that larger facilities might require additional acreage to accommodate drop-off and pick-up needs.

Commissioner Park was not familiar with the term "quasi-public school" and asked if it encompasses charter schools. It was confirmed that charter schools are the most relevant example. Further explanation was offered by Mr. Carter who observed a trend of schools decentralizing into smaller homeschooling-style arrangements potentially involving multiple families. These arrangements could potentially be categorized as quasi-public schools. Mention was made of a Council Member's past unsuccessful consideration of marketing a portable school facility resembling a large trailer outfitted for educational purposes. This type of facility could also be considered quasi-public under the proposed designation.

A question was then raised by Commissioner Park regarding the applicability of this redesignation to a residence used by a large homeschool group. They questioned whether the proposal was intended solely for new structures on undeveloped land, given the scarcity of available three-acre properties. Agreement with this concern was expressed by Mr. Carter, who confirmed that a house could be adapted into a school facility or a new building could be constructed.

An inconsistency was highlighted by Mr. Carter regarding the minimum lot size requirement. He pointed out that, according to the Land Use Development and Management Act ("LUDMA"), State statutes prohibit using property size as a basis for denying a rezoning application. This raised concerns that such requirements within the Code might ultimately be deemed incompatible with the statute by the courts.

The current Code could be in direct conflict with the statute. The issue would remain unresolved regardless of any actions taken by the Commission. Attention was drawn by Commissioner Rushton to their previous discussion on quasi-public schools. His perception was that there was a minimal distinction between applications for grades one through 12 and preschools, many of which are home-based rather than requiring specific acreage. It was noted that consideration of such applications often focuses on the amount of home space utilized and the availability of off-street parking.

A suggestion for a revised approach was presented by Commissioner Rushton. This suggestion encouraged the Commission to consider emerging educational trends, such as micro-schools and neighborhood schools to ensure that the regulations remain relevant in the future. Emphasis was placed on Utah's focus on educational choice and the Scholarship Act, which Commissioner Rushton observed as contributing to a growing movement towards home-based non-public schools that still functioned within the established education system. Anticipation was expressed regarding the potential for these schools to appear in various locations throughout the City, including homes, strip malls, and new flex units. Parking and traffic flow were identified as the key considerations in such scenarios.

Commissioner Rushton proposed a delay in the decision and a reconsideration of the current approach and suggested a move away from relying solely on acreage for determining suitability. Mr. Prestwich agreed with this suggestion he pointed out that the existing Code classified public and quasi-public schools as conditional uses in residential zones. This included private or quasi-public schools but only if they possess a minimum of three acres. The proposed amendment would allow such schools to operate on one acre instead.

A previous case involving a woman who started a preschool in her home was recalled by Commissioner Rushton. She intended to gradually add a grade each year, ultimately transforming it into a full-fledged school. While the initial application was considered due to its home-based nature, Commissioner Rushton noted the inconsistency of applying an acre standard for subsequent grades. Clarification was provided regarding the distinction between home-based businesses, which are required to maintain a residential character, and the proposed change, which involved the conversion of a home into a full-time school facility.

An inquiry was made regarding the hypothetical scenario of someone establishing a high school for teenagers in a residence. There was some question as to whether such a facility would be treated like a daycare or preschool. In that case, factors like the number of people on-site, off-street parking availability, number of employees, and other established home-based business criteria would be evaluated. As long as the homeowner continued to reside in the dwelling, these same conditions would apply. However, if the intention was to operate the location strictly as a private school on a one-acre property, the Conditional Use Code currently under discussion would be relevant.

Emphasis was placed on the specific focus of part three (3.b.i.). However, it was acknowledged that parts A, B, and C also exist and should be considered for a comprehensive understanding of the context. The conversion of a residence to a

commercial use within a residential zone would still be permitted, provided it functioned as a school. This aligns with the treatment of churches and other entities classified as public or quasi-public schools.

A scenario was presented inquiring about the process for establishing a school within a commercial space, such as a strip mall, without a designated acre of land. It was clarified that this situation would be handled differently as it would fall under the table of uses established for commercial properties. The current discussion was emphasized to be focused exclusively on residential zones.

Further clarification was provided regarding conditional uses listed within the zoning regulations. This included commercial neighborhood zones, where adherence to the specified conditions would still be mandatory. It was reported that the Conditional Use designation is broad and applies to any zone where a school is proposed. Schools listed as conditional within the table of uses would be required to meet the specified conditions. Conversely, schools listed as permitted within the table of uses could proceed without the need to meet those specific conditions.

An inquiry was made regarding the necessity of a one-acre lot for a standalone entity, separate from a strip mall, seeking to establish a school. Clarification was provided explaining that the zoning designation would be the determining factor. Specifically, any residential zone listing schools as a Conditional Use would require the one-acre minimum, with this requirement also applying to certain commercial zones.

Commissioner Cluff questioned the existence of similar requirements for other entities, such as churches. She also inquired about the rationale behind the minimum acreage requirement for schools. An explanation was offered by detailing the historical context for the requirement. It originated from a previous attempt by a school to comply with all other zoning regulations, including landscaping and parking, but ultimately encountering challenges in site functionality. Despite meeting existing regulations, the Planning Commission or City Council at the time determined the site to be too constrained and opted to avoid a similar situation in the future.

A question was raised regarding the potential for including additional stipulations within the text. These stipulations could specify requirements based on the number of students, such as a ratio of students per acre or drop-offs per acre. Mr. Prestwich responded by suggesting the addition of a condition that mandates such a calculation. He further suggested that the text could be revised to require an assessment of the potential impact on the surrounding neighborhood, with the level of assessment inversely proportional to the size of the proposed site. He additionally highlighted the current wording's failure to differentiate between various street types, neglecting to distinguish between collector streets, major streets, and interior neighborhood streets.

A comparison was drawn to the existing chicken Code. It was stated that the Code allows for a certain number of chickens on a specified number of lots. Mr. Prestwich agreed with

the possibility of applying a similar approach to schools, permitting a specific student capacity on parcels of designated sizes.

A question was raised regarding any existing traffic study requirements for schools. It was reported that a Traffic Study would be mandatory for schools proposing a commercial site plan. Mr. Prestwich cited the example of Challenger, a school that historically attempted to establish itself on a nearly three-acre parcel with a 30,000-square-foot building. He elaborated that the traffic engineer would adjust the study to meet established standards, regardless of whether the property was designated residential or commercial and whether a traffic study was otherwise required.

Mr. Prestwich commented on the potential perception of a traffic study as meaningless. He explained that engineers would adjust timing elements, such as extending drop-off periods from 20 minutes to an hour, to ensure the requirements of the study are met. He suggested a potential shift in focus toward establishing a student-to-acre ratio, considering the observed tendency of most parents to arrive only five minutes before school commences. An inquiry was made regarding the actions taken or currently being undertaken by other Cities in similar situations. Mr. Prestwich acknowledged the value of such information and agreed with the suggestion to research and report the findings back to the Commission.

Commissioner Cannon was interested in the ongoing discussions. He highlighted recent examples involving proposals for development on smaller land parcels. The challenges associated with infill development, particularly when compared to larger tracts of land, were emphasized by Commissioner Cannon. He raised the question of whether a broader zoning approach might be more beneficial than initially granting permits for development on smaller footprints, potentially leading to a variety of unforeseen uses arising on these smaller parcels.

Commissioner Cannon acknowledged the importance of individual case-by-case consideration and commended the ongoing discussions for their contribution to the City's progress. He shared information gleaned from a conversation with an Ivory agent, revealing that only 10 out of 51 lots remained unsold in a particular subdivision. This information contrasted with previous claims and provided valuable insight into the current state of development within the area.

Mr. Prestwich emphasized that any alterations made would have an impact on all properties, not solely the one that had initiated the discussion. The importance of meticulous consideration when revising zone text was stressed, as such changes applied to all properties within the designated zoning category.

Continuing the discussion, the previously mentioned chicken Code analogy was referenced. The deliberate process that led to implementation was highlighted. It was proposed that they explore the use of broader metrics beyond mere acreage for school developments within Riverton. To facilitate further exploration and the development of a more encompassing approach, a proposal to postpone the decision was made. A question was raised regarding the possibility of establishing a school within a residential zone, potentially

on a property as small as a quarter-acre. Clarification was provided that such a scenario, while theoretically possible, would be contingent upon meeting existing acreage requirements. Eliminating the acreage requirement could potentially open the door for similar situations.

One suggestion involved delegating the issue to the City Council, while another advocated for further research and analysis. Mention was also made of a specific facility that had catalyzed the discussion. The reduction of the acreage requirement from three acres to one was presented as an attempt to lessen the burden associated with the project. However, concerns were raised regarding a potential conflict between current requirements and State statutes. Inquiry was made regarding the primary motivation behind the discussion, with the suggestion that avoiding litigation might be the main goal. Acknowledgment was offered that while avoiding litigation is not inherently negative, it prompted further questions about the rationale behind a Code that could potentially lead to legal challenges.

Explanation was provided that the Code likely pre-dated changes in the law, resulting in its current misalignment with existing statutes. A suggestion was made to revise the Code comprehensively to ensure alignment with the statute, rather than implementing piecemeal adjustments. The possibility of completely eliminating the minimum lot size requirement was suggested. Emphasis was placed on the importance of considering the impact of the proposed changes. This included focusing on factors such as student enrollment and traffic volume, rather than solely on lot size.

There was a consensus in favor of developing a Code based on impact rather than acreage. It was understood that such an approach would likely be more compliant with statutory requirements. A recommendation was made for the City Council to draft a Code reflecting the discussed approach. This Code would eliminate the acreage requirement while incorporating measures to prevent the construction of large facilities on small lots. Acknowledgment of the recommendation was provided, with the understanding that the proposal would undergo further examination by the Commission before being presented to the City Council. Clarification was provided that a specific public application did not prompt this initiative. Agreement was reached to move forward with the proposal, with the intention of incorporating further refinements prior to its presentation to the Council.

A suggestion was made to investigate regulations mirroring those for preschools. The regulations would potentially establish a daily limit on vehicle trips and explore a possible link between vehicle trip volume and acreage size. Acknowledgment was provided that a Code centered on mitigating impact would be preferable to one based solely on acreage or student age.

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

**Commissioner Park moved that the Planning Commission CONTINUE PLZ-24-5002, the Code Text Amendment to the next Planning Commission Meeting. The motion**

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

**3. DECISION ITEMS**

A. None.

**4. DISCUSSION ITEMS**

A. None.

**5. MINUTES**

A. 04.11.24 PC Meeting Minutes.

Commissioner Cluff moved that the Planning Commission APPROVE the Planning Commission Meeting Minutes of April 11, 2024, as presented. Commissioner Cannon seconded the motion. The motion passed with the unanimous consent of the Commission.

B. 04.25.24 PC Meeting Minutes.

Commissioner Cluff moved that the Planning Commission APPROVE the Planning Commission Meeting Minutes of April 25, 2024, as presented. Commissioner Beck seconded the motion. The motion passed with the unanimous consent of the Commission.

**6. ADJOURNMENT**

The meeting adjourned at approximately 9:00 PM.