

Approved: 10.10.24

**RIVERTON CITY PLANNING COMMISSION  
MEETING MINUTES  
SEPTEMBER 12, 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  
Crystal Keele  
Darren Park  
Chris Knudsen, Alternate

**Staff:**

Jason Lethbridge, Development Services Director  
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 and stated that he knew this would be a meeting with lots of public comments and strong opinions. He wanted the public to know that the Planning Commission consists of a Fire Captain, a Human Resources Officer, an Artist and Business Owner, realtors, and a Doctor. They are citizens of Riverton who want the best for the City. They are not the opposition. The Commissioners do their best to make everyone happy. Some things are established by Ordinance and cannot be changed and other things allow more flexibility. The Commission can recommend that the City Council approve some agenda items but they are not the approval body.

Chair Matheson stated that public comments will be allowed during the public hearing and asked that comments not be duplicated. The Planning Commission has read many of the public comments and seen multiple signatures on some comments. Repeating the same thing does not affect the Commission's decision or the public record. The Planning Commission wants citizen participation but anything that has already been said is already part of the public record.

**2. PUBLIC HEARINGS**

- A. MY STORAGE RIVERTON, PLZ-24-8012, AN AMENDED SITE PLAN FOR A STORAGE FACILITY TO BE LOCATED AT 13487 SOUTH 5600 WEST. THIS ITEM HAS BEEN CONTINUED FROM THE PRIOR MEETING ON AUGUST 8, 2024.**

Lisa Halversen, planner, reported that the applicant was not yet ready to present the amendment and suggested that the item be tabled until the submission is complete.

**Commissioner Cluff moved the Planning Commission TABLE Application PLZ-24-8012, My Storage Riverton, located at 13487 South 5600 West until completed plans**

**are submitted to Staff. Commissioner Beck seconded the motion. The motion passed with the unanimous consent of the Commission.**

**B. WALMART HAMILTON VIEW AMENDED SITE PLAN, PLZ-24-8011, AN APPLICATION TO AMEND THE COMMERCIAL SITE PLAN FOR A WALMART LOCATED AT 13502 SOUTH HAMILTON VIEW ROAD BY WIDENING AN EXTERIOR DOORWAY. APPLICANT, SPENCER HYMAS.**

Ms. Halversen presented the Staff Report and stated that an application to modify the Walmart parking lot and increase the order pickup area was previously approved by the Planning Commission at the August 8, 2024, meeting. Upon review of the Building Permit application, Staff noticed some changes to the exterior of the building that had not been approved. An existing doorway near the Garden Center will be widened. Materials and colors will match the existing door and a metal awning will be installed above the doorway. Two signage changes were also proposed. They plan to remove the “pickup” sign from the old pickup area on the east side of the building and add a new “pickup” sign on the west side near the new pickup area. Notices were sent to nearby property owners, and no comments were received. Staff recommended approval of the amended site plan.

Commissioner Park asked if cars would pull up to the door for pickup. Ms. Halversen replied that cars will not pull up to the doorway, but more parking stalls will be added in the new pickup area. Employees will bring orders out through the wider door and deliver them directly to the customers’ cars.

Spencer Hymas stated that signage will be removed from the old pickup area and a smaller sign will be installed in the new pickup area. They did their best to match previously approved materials and they believe the new grocery pickup area will be safer and more efficient.

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

**Commissioner Cluff moved that the Planning Commission APPROVE Application PLZ 24-8011, Walmart Amended Site Plan, with the following conditions:**

- 1. Site Plan Improvements shall be consistent with the plans presented to the Planning Commission except where otherwise noted.**
- 2. The applicant shall correct or resolve any staff redlines on the civil plans.**

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

**C. JENSEN REZONE, PLZ-24-4004, AN APPLICATION TO AMEND THE GENERAL PLAN AND REZONE .56-ACRES AT 13083 SOUTH REDWOOD ROAD FROM RR-22 (RESIDENTIAL SINGLE-FAMILY, .5-ACRE MINIMUM LOT SIZE) TO C-PO (PROFESSIONAL OFFICE COMMERCIAL) APPLICANT - COURTNEY JENSEN.**

City Planner, Tim Prestwich reported that the two previous agenda items were administrative approvals where the Planning Commission verified that what Staff presented met the City Ordinance. If it meets the Ordinance, it must be approved. Item C is a legislative recommendation action, where the Commission may take what is good for Riverton into consideration. When a rezoning application is submitted, if they can meet minimal requirements, Staff is obligated to bring that application before the Planning Commission. The Commission then acts as a legislative recommending body. A new application cannot be submitted within a certain number of days of having a rezoning application denied. If months or years pass, they can reapply for the same or similar rezoning. Staff received some comments stating that the City had already made a decision on this rezoning request, but enough time had passed that the applicant was able to reapply.

Possible outcomes included:

- Recommending approval of the request.
- Recommending denial of the request.
- Recommending that the City consider another zone.
- Continue the item until a future Planning Commission if more information is required.

The City Council would have the final say on the rezoning application. If approved, the development process would then begin and notices would be sent for the future Planning Commission hearing on the Site Plan.

Development Services Director, Jason Lethbridge, presented the Staff Report and noted that the Commission would consider two rezoning requests in close proximity, this request and one to the south at the corner of Redwood Road and 13200 South. The subject property is a remnant lot that includes an outbuilding and a driveway. The original home was removed when Redwood Road was widened. The applicant is a potential purchaser who has permission from the current owner to pursue the General Plan Amendment and Rezoning requests.

The Riverton City General Plan lays out anticipated long-range uses for areas of the City. The subject property is at a midpoint on Redwood Road between 12600 South and Bangerter Highway and is currently designated Estate Density Residential, which has a 0.5-acre minimum lot size. It is currently zoned RR-22, as are all adjacent properties. A property to the north is zoned R-3-SD, which has a 0.3-acre minimum lot size. Another property to the north, Beckstead Manor, is zoned Professional Office ("C-PO"). To the south is a school and vacant property zoned Commercial Neighborhood ("CN"). The applicant requested Rezoning and a General Plan Amendment to C-PO to facilitate that use.

Questions and comments that were received spoke to both the specific parcel and bigger questions about Redwood Road. There are many types of developments and lot sizes on Redwood Road. It is not a consistent corridor with the same types of lots. On the east and west sides, some C-PO zoning has been approved. A Lutheran Church and recently approved office building are to the south. Commercial zoning is not out of character for the corridor, but the current General Plan was for Estate Density Residential. The applicant intends to build an office for their insurance business, but if approved, all C-PO permitted uses would be allowed on the parcel. The C-PO zone is geared predominantly toward office space, but some retail usage is allowed.

In response to a question from Commissioner Cluff, Mr. Lethbridge confirmed that no public comments had been received.

Chair Matheson asked about the plans to reconsider the General Plan along Redwood Road. Mr. Lethbridge stated that they will be considering both the Transportation Master Plan and General Plan, but there is no moratorium on applications in place. They hope to begin the process by the end of 2024, and it should be completed within one year.

Commissioner Park asked if there was an anticipated direction for the Redwood Road corridor and noted that the application would seem to be in line with what has happened to Redwood Road. Mr. Lethbridge stated that there is currently no anticipated direction, but it is recognized that the Redwood Road corridor is a critical area for the City to address. There will be very close scrutiny of the corridor and consideration of what is most appropriate and cohesive given the size of the road, traffic levels, and the direction the corridor is going.

The applicant, Courtney Jensen from Compass Insurance Advisors stated that he is interested in building a professional office on the parcel. Their vision is to build the structure closer to Redwood Road with landscaping and a parking lot on the remainder of the parcel. In response to a question from Commissioner Matheson, Mr. Jensen indicated that he has a very rough concept drawing. It will be a two-story structure toward the front of the parcel, with parking at the rear. Only his insurance agency will occupy the building.

Chair Matheson opened the public hearing.

*Shawna Roberts* reported that she lives in the home directly behind the subject parcel. Currently, there is no curb-and-gutter approach to the lot. Construction vehicles occupy the lot. They have brought in dirt and changed the grading so that water flows into her yard and floods her shed. She was concerned about drainage and privacy. The lot to the south also operates as a business and there is no privacy between the two lots. She believes they will impede her backyard. The lots on Redwood Road already slope to the east. Chair Matheson stated that if the parcel were rezoned, the Site Plan would come back before the Planning Commission for approval. Things like fencing, drainage, and privacy would be addressed at that time.

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

Commissioner Knudsen asked Staff to address the drainage issue as he assumed there is a step in the construction process that addresses drainage. Mr. Lethbridge stated that it would be addressed in the Site Plan process. All property owners are required to manage the drainage on their property. If they have changed the level of the lot, it will have to be addressed by the property owner's engineers and reviewed by the City Engineer to ensure that they capture all the drainage, and it does not spill over onto adjacent properties. The current property owner is responsible for any damage to the adjacent property due to improper drainage.

Chair Matheson could not imagine anyone building a single-family home on the lot and having to back out onto Redwood Road. His opinion was that it needed to be turned into something other than a single-family home. He believed it was important to consider the concept and rezone the property. Commissioner Cluff agreed that the parcel is not well-suited for residential but it could be well-suited for a professional office because they tend to have lower traffic and lower evening activity. She believes C-PO is appropriate zoning to abut residential properties, and she was comfortable recommending approval.

Commissioner Park stated that knowing the requirements placed on similar developments to address things like water retention and lighting to lessen the impact on neighboring residential properties, he believed it was a good fit for the area.

**Commissioner Cluff moved that the Planning Commission recommend APPROVAL of Application PLZ-24-4004, Jensen Redwood Rezone, for amending the General Plan and Rezoning a .56-acre parcel located at 13803 South Redwood Road, to change the General Plan designation to Professional Office and changing the zoning to Commercial Professional Office. Commissioner Beck seconded the motion. The motion passed with the unanimous consent of the Commission.**

**D. BECKSTEAD MANOR, PLZ-24-4005, AN APPLICATION TO AMEND THE GENERAL PLAN AND REZONE 2.12-ACRES AT 13191 SOUTH, 13171 SOUTH, AND 13153 SOUTH REDWOOD ROAD FROM RR-22 (RESIDENTIAL SINGLE-FAMILY, .5-ACRE MINIMUM LOT SIZE) TO RM-18 (RESIDENTIAL HIGH-DENSITY). APPLICANT - BARBARA CATRON.**

Mr. Lethbridge presented the Staff Report and stated that similar to the Jensen application, the subject lots are an odd shape due to the widening of Redwood Road. Prior to 2016, the properties were zoned Residential, but a legal nonconforming commercial flower shop was located on the property. In 2017, the majority of the buildings were removed prior to the widening of Redwood Road. The Planning Commission was considering two applications, a General Plan Amendment and Rezoning request. The applicant is the owner of the property. Notices were sent to property owners within 1,000 feet of the site and posted on the City's webpage.

The current General Plan designation is Estate Density Residential, which requires a minimum of 0.5 acre lots, and the property is zoned RR-22. The Montessori School is

directly adjacent to the site. The requested zoning is RM-18, which is a multifamily designation with a maximum density of 18 units per acre. There are no existing uses on Redwood Road that match the requested zoning. Most existing RM-18 zoning is on the west side of Riverton along the Mountain View corridor and 12600 South. Those apartments were part of larger, master-planned developments of 40-plus acres. The only existing similar development on the east side of Riverton is a senior apartment complex south of the post office that was developed under the Elderly Housing Overlay Zone.

In response to a question, it was clarified that the RM-18 zone allows for both apartments and condominiums.

The applicant, Barbara Catron, stated that she has lived in Riverton for 13 years and has roots extending back to old Riverton. She lives in the oldest school and church house in the City, which was built by her ancestors in 1880. She purchased two homes along Redwood Road, now known as Beckstead Manor, which was rezoned to C-PO and is occupied by seven active businesses. A portion of the subject site was purchased prior to the widening of Redwood Road and the additional parcels were purchased after the widening. The parcels are not as deep as most lots along Redwood Road, and they were initially unsure of what they wanted to develop on the site. They believe the best use for the parcel is multifamily. Ms. Catron presented a Concept Plan showing parking and green space and stated that she believes it would be a great plan for the area.

In response to a question from Commissioner Cluff, Ms. Catron stated that they had no interest in building a single-family home on the parcel. They considered commercial but there is a lot of vacant office and retail space in Riverton. She loves what they have done with Beckstead Manor but it was hard to fill. The site is on Redwood Road and near Bangerter Highway and I-15, and she feels like it is a great area for multi-family, affordable housing.

In response to a question from Commissioner Park, Ms. Catron clarified that the building would be a multifamily condominium, not mixed-use. It would be three floors of living space.

Commissioner Cluff expressed a concern about potential parking issues. Architectural Engineer, Ben Jensen stated that access to parking would be from the rear of the lot. There would be 60 parking spaces for approximately 27 one- and two-bedroom units. On the Redwood Road side, there would be some apartments and common space. The rear of the first floor would be parking with a common patio above.

Commissioner Beck asked if the concept is a lower-income facility. Ms. Catron stated that she was unable to comment on that at the time. Mr. Jensen stated that the one-bedroom units would be approximately 700 square feet, and the two-bedroom units would be 1,100 square feet.

Chair Matheson asked if the applicant had considered a lower density. Ms. Catron stated that they considered it but they feel the RM-18 density best fits the space.

Chair Matheson opened the public hearing.

*Ashley Mobley* stated that the subject property was previously owned by her grandparents, and her brother resided there as well. She believed that, if developed properly, there would be interest in a single-family home on the property. She does not believe the zoning change would be best for Riverton because high-density housing creates a different environment, but she would be in favor of lower-density housing such as a retirement community. She understands the need for compromise and progress, but she believes it is an aggressive plan. There are schools nearby, and it is near a major crosswalk. She asked if a "for sale" sign was ever posted to allow residents the opportunity to purchase the property. She believes approval would lower property values and would not be in the City's best interest, and it would not affect Ms. Catron because she does not live in the area.

*Mark Webb* stated that he gasped when he heard they wanted to rezone to RM-18, but as the proposal went on, he realized it was a great use for the corner. He asked what else could be put on that blighted corner of Redwood Road. He would like to see more parking below street level because there would be nowhere for visitors to park, but he likes the proposal and thinks it would add good, affordable housing in Riverton.

*Ryan Rudd* said that they might want to question the comment about the property not being successful for a single-family home. He owns 1.5 acres that adjoins the Montessori School parcel. As of the previous evening, he had three offers on one of the 0.5-acre parcels. He purchased the parcels, developed them, and listed them for sale with the RR-22 designation. He understands the property owners' revenue model, but his parcels are almost the same design. There is a private lane on the right side and 0.5-acre parcels on the left side. He lives on the other side of the private lane. He believes the property owner could sell the lots for \$1.5 million if they were set up like his parcels, and there is no reason to have multi-family housing there. He has done what the property owner indicated they cannot do, and he would be happy to tell them how the homes were built and marketed. They are getting top dollar for the parcels. He did not want the Planning Commission to think that the zoning needed to be changed. They purchased the property with the zoning in place and the parcels are not oddly shaped. They would sell like hotcakes. If the applicant desired smaller, 0.25 or 0.33-acre lots, that would be a more reasonable request.

*Al Buehler* lives four lots to the north of the subject property. He strongly opposes the rezoning request for many reasons. At 18 units per acre, 27 units would be allowed on the property. The average Utah household is 3.19 people, which would mean approximately 86 people on 1.5 acres. He believes there will be two or more people in each one-bedroom unit. There will only be parking for 45 vehicles, but the building could hold 86 people. Ms. Catron talked about affordable housing for Riverton, but if the zoning is changed, they can buy his house for pennies on the dollar because his property value will go down, along with everyone else within 1,000 feet of the parcel. He indicated that the Catron family owns a lot of property, including 1.5 acres on 1300 West where they can build an RM-18 development. He thinks the proposal is ludicrous and aggressive.

*Craig Hiller* stated that he lives across the street from the subject property. The traffic would dump onto 13200 South and with that many units and cars, he is very concerned about the traffic and parking. He compared it to 16300 West near the multi-family units, which he stated is a dangerous street. He can see people parking on 13200 West, and it will be dangerous for children walking to and from Riverton Elementary and anyone else traveling in the area.

*Chad Collins* lives east of the subject property and is against rezoning. He noted that they have battled this before when a property approximately five lots north of the subject property requested similar rezoning. Residents fought the proposal, and the property was instead rezoned to allow 0.33 acre lots. The proposal is out of character for the area and is not the right fit. They also own at least one more acre directly south of it, so it is possible that they would want to put another 18 units per acre on the south side of the road, and allowing the rezoning would set that precedent.

*Greg Smith* stated that he has lived in Riverton for 36 years and does not believe multifamily housing belongs in the area. It is out of character and will add traffic to 13200 South. He is okay with rezoning to Professional Office or keeping it RR-22.

*Missy Collard* lives to the east of the subject property and opposes the proposal. Regarding the lots to the north that were contested and later rezoned to 0.33 acres, she knows several people who are planning to build on those lots and are very happy. The property owner originally wanted high-density housing, but the lots are valuable. She hoped that the Planning Commission would remember that it is not the neighbors' or Planning Commission's job to ensure that developers are making the most from their investment. They purchased the property with RR-22 zoning, and keeping the current zoning is what is best for the neighborhood. If land does not sell right away, that is not a bad thing. It could be valuable in the future.

*Sherri Lloyd* is a member of the Riverton Heritage Group and indicated that they sent a letter in opposition to the zoning change. She asked about the possibility of a moratorium on applications until the Master Plan is completed and they know what the City wants Redwood Road to look like. She believes the City should come together to devise an idea of what is possible, whether it is commercial or residential. She adamantly opposed the proposal.

*Cindy Feldt* lives south of the subject property, and the proposal does not fit with the neighborhood. People live there because they love the rural feel of having a half-acre property to take care of. Her brother lives in Vineyard, where they are inundated with high-density apartment buildings. She knows that there are parking requirements for high-density housing, but because of the high cost of living, students in Vineyard are sharing apartments, and they all have cars. There are only two spaces available per apartment, but they have four to six cars per unit and parking is a mess.

*Joyce Houston* lives in the neighborhood. She recognizes that cities need to grow and progress, and she understands that the property owner wants a return on their investment. Her husband owns a handful of rentals, and he is very careful about the people he rents to.



With this aggressive plan, the property owners do not seem to care about the neighborhood. Residents are fortunate to live there. They love their homes and yards, and they know their children will have a hard time buying something similar. Ms. Canton stated that it would be affordable housing but did not provide costs, so it might not be affordable. Ms. Houston lives on a lane on the canal. When her neighbors have parties, there is nowhere to park, and they end up parking on 13200 South. It is dangerous for anyone driving because 13200 South does not have a real shoulder. If that happens closer to Redwood Road, to the schools, and where children walk, it will be a major safety issue.

*Dave Mobley* was aware of the price of progress, but his concerns mirror those of his neighbors. Eighteen units per acre is very high density for the area. He also does not believe the building's architecture matches other buildings in the area. Traffic on 13200 South would be insane, and it is already hard for cars to get in and out of the Montessori School. Additionally, cars line the road for funerals and fill up Jared Circle. He is also concerned about the type of people affordable housing could bring into the area and the potential increase in crime.

*Rachelle Fjord* lives on Jerod Circle and referred to a survey that was sent to residents asking what they were interested in seeing on Redwood Road. She believes the results of the survey could help the City understand what residents want, and she does not believe they want high-density housing. Chair Matheson stated that the Planning Commission was not a part of the survey and had no information on it, so they would not be able to speak to it. It was noted that the results of the survey were published on the Riverton City website. Ms. Fjord asked the Commission to consider tabling the matter until they could review the survey and determine what the people of Riverton want because she is certain the City does not want to go in this direction.

*Traci Hardy* was opposed to rezoning. She believes the density is too high and it does not fit the area. She is also concerned about children walking to and from school, especially when they cross Redwood Road. High-density housing would increase traffic, and she does not want anything to happen to the children. She has never seen a "for sale" sign on the property. She believes 0.25 or 0.33-acre lots with new homes would be a great addition to the area.

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

Commissioner Cluff agreed that RM-18 would be too much density for the parcel. With apartment-style housing, spillover parking is inevitable. A lot of apartment complexes are on streets that can handle excess parking, but that is not the case with this parcel. It is a quiet, calm neighborhood with large lots, and it is not suitable for high-density living. She believes that approval of this type of project should be tabled until the General Plan is completed and they have a clear idea of the long-term plan for Redwood Road.

Commissioner Beck agreed with Commissioner Cluff. She asked when the survey referred to by Ms. Fjord was completed. Mr. Prestwich indicated that the survey was completed in 2018 and updated in 2023. The questions were very broad. There was at least one question

about what residents would like to see along Redwood Road, but it did not speak specifically to Land Use. Staff will make the survey results available to the Planning Commission.

Chair Matheson stated that going from RR-22 to RM-18 is beyond what he believes is appropriate. He has seen where the applicant lives and understands that she has done some great things, but he believes this type of density is not right for the area. He would readily consider a private lane and single-family homes on smaller lots.

Commissioner Knudsen stated that the parcel owner has the right to develop it, but he is not sure this is the right fit. He also does not believe 0.5 acre lots belong on one of the busiest roads in Riverton. He believes it should be commercial or low-density residential.

Commissioner Keele believes big projects should be tabled until completion of the General Plan so they know the best use for these types of properties along Redwood Road.

Commissioner Park agreed that property owners have rights, but their right is currently to develop the property with RR-22 zoning. The Commission was asked to change those rights to a usage the Commissioners agree is incongruent with the area, and they have the authority to help ensure that the area is developed appropriately and in a way that is sustainable for future use. The thing that makes it more palatable is that they would be privately owned condominiums, not rentals, but the usage is still too heavy. As the City goes through the General Plan review and update, they may identify more desirable uses for the property owner to consider.

Commissioner Knudsen asked if any other RM-18-zoned parcels in the City are not part of a master-planned development. It was clarified that the only RM-18 zoning is part of master-planned communities, with the exception of the development in the Elderly Housing Overlay Zone. Commissioner Knudsen agreed that the proposal was aggressive and asked about the density of the development north of the Petersen development. Mr. Prestwich clarified that it was zoned for 14 units per acre, but they did not achieve that density. The limiting factor for multifamily is primarily based on traffic. Parking and traffic access determine the actual number of allowable units per acre. In this case, being so close to the corner, it is unlikely that the property could support 18 units per acre with a single point of access. Most multifamily developments have a lower final density. RR-14 is the next lowest designation below RR-18.

**Commissioner Cluff moved that the Planning Commission recommend DENIAL of Application PLZ-24-4005, for rezoning 1.5 acres located at 13191, 13171, and 13153 South Redwood Road, thus keeping the property designated as Low-Density Residential in the General Plan and keeping the current zoning of RR-22 (0.5-acre lots). Commissioner Beck seconded the motion. The motion passed with the unanimous consent of the Commission.**

**E. MCCAY DEVELOPMENT AGREEMENT, PLZ-24-6001, DEVELOPMENT AGREEMENT FOR 2682 WEST 13400 SOUTH, ESTABLISHING REQUIREMENTS, STANDARDS, AND PARAMETERS FOR DEVELOPMENT OF APPROXIMATELY .32 ACRES LOCATED AT 2682 WEST 13400 SOUTH, WITH ZONING SET TO RM-6 AND ALLOWING UP TO THREE (3) ATTACHED UNITS ON THAT PROPERTY. PROPOSED BY DANIEL MCCAY REPRESENTING EVOLUTION DEVELOPMENT.**

Mr. Lethbridge presented the Staff Report and stated that the parcel is on the northeast corner of 13400 South and 2700 West and is currently vacant. Some concerns had been expressed about whether the property is buildable. In 2018, the owner at the time was issued a Land Disturbance Permit, dug a hole, and then abandoned the project. No Building Permit was issued. The City addressed that as an enforcement issue and the hole was backfilled to its current condition. The lot meets the minimum square footage requirements for the R3 zone. He noted that it is possible that soil issues would need to be addressed prior to building.

The application was for a Development Agreement, which is different from a rezone application and is normally initiated by the City. In this case, the applicant initiated the process. As there is no formal process in place for this situation, the applicant submitted a Rezoning application. Per Utah State Code 10-9a-532(2)(iii), a Development Agreement can be utilized to allow things zoning may otherwise prohibit provided that it is treated as a rezoning application with a public hearing, review, and recommendation from the Planning Commission.

If approved, the Development Agreement would rezone the property to RM-6, which requires a minimum of 0.5 acres. The property is only 0.33 acres and does not qualify for rezoning, so the Development Agreement addresses that variance. The agreement also allows for up to three attached units, whereas the RM-6 zones require detached units. The setbacks would be 10 feet on the east side and 20 feet on the west side, which exceed the minimum allowed by the Ordinance. The Development Agreement also proposed to allow fencing at existing standards, not solid masonry as required by the Ordinance.

Mr. Lethbridge noted that the Development Agreement functions like a Rezoning request, which allows for broader discretion to determine whether the zoning, density, and other standards requested in the Development Agreement are appropriate to the property and the area. If the Planning Commission required more information, they could table the issue. They could also recommend approval, with or without modifications, or denial.

Commissioner Cluff stated that the Development Agreement appeared to be a template as dates were missing and the term "Project Name" was present in multiple places rather than the actual name of the project. She noted that Section D, Recitals, indicates that the Development Agreement was being requested to resolve Land Use and transportation difficulties created by the expansion of Redwood Road. Mr. Lethbridge stated that that was an error that needs to be corrected. The purpose of the Development Agreement is to provide as much detail as possible on the project. Currently, there is a section in the

agreement that shows where exceptions would be required to the default Ordinance that would otherwise apply to the project. Usually when a Development Agreement is presented, the Planning Commission is invited to focus on the uses for the property and what the exceptions would be, and then the final agreement is assembled and completed prior to City Council review. The Planning Commission's focus should be on the Land Use aspects of the project. Development Agreements are typically not finalized prior to review by the Planning Commission, but the salient details are included.

Chair Matheson stated that Development Agreements are usually approved for large projects, and this is a very small project. He asked why the agreement was necessary. Mr. Lethbridge stated that it is the owner's prerogative to decide the way in which they seek permission to develop their property. Rezoning, Development Agreements, and Text Amendment applications are all options. Development Agreements are widely regarded as tools that can assist the City in working out the challenges of developing uniquely situated or sized properties, large or small. It was a useful tool to develop Mountain View Village because it was a large-scale, mixed-use project and it was premature in that instance to determine exactly how things would be laid out in terms of, for example, residential use related to commercial use. However, that Development Agreement included details on how the final decisions would be made, and the Planning Commission had since reviewed a number of Site Plans pursuant to the terms of that Development Agreement. Mr. Lethbridge gave the example of a recent Development Agreement that was approved for the development of a small-scale commercial project across the street. The details of the project were unique. It is a viable tool regardless of the scale of the project.

Commissioner Cluff stated that other Development Agreements the Commission has reviewed were initiated by or with the City Council and asked if that was the case with this agreement. Mr. Lethbridge clarified that nothing was brought to the City Council but that is not a necessary step for consideration.

The applicant, Dan McCay stated that he has lived in Riverton for 27 years. He serves as a State Legislator, and his wife serves on the City Council. His wife, Tawnee McCay, has agreed to step aside and not consider the application. For over 20 years, he has driven by the corner of 2700 West and 13400 South and hated it. It has been a weed patch the entire time. In 2018, he thought a home would be built on the corner, but unfortunately, it just became a hole. He spoke with neighbors two months ago, and some neighbors referred to the hole as "the pit." It is a safety hazard. He decided to purchase the lot. When he spoke with neighbors, their primary concern was that it is not zoned commercial. He believes the lot is too small for commercial. It is in a residential zone.

Mr. McCay referred to the traffic counts for the intersection and noted that, with the exception of Redwood Road, there are no residentially zoned properties with such a high traffic count. If current and projected traffic counts were known when the subdivision was created in the 1980s, there would not have been a home on a 0.33-acre lot on that corner because it is not a viable low-density residential lot. He once asked the City about putting a park on the lot, but it was decided that children should not be encouraged to play on that corner. They discussed different options for the property and looked at the townhomes being built in

Mountain View Village by Edge Homes. He believes they can build either similar or the same townhomes on the lot. The footprint is tight, but the ground floor has similar square footage to the adjacent homes.

They considered trying to alley-load the townhomes, but the Rocky Mountain Power easement for a guy-wire makes that almost impossible because it would interfere with left-hand turns at the intersection. They then looked at the front of the property. The City requires a 25-foot driveway in the RM-3 zone, but he does not believe that leaves enough room for a car to turn around or for parking. They decided to move the townhomes to the rear of the property to provide parking in front. They also tried to keep the building as far as possible to the east to allow a view corridor at the intersection.

Mr. McCay stated that when considering how best to use the lot, they considered the best way to accommodate neighbors' concerns. They heard concerns about traffic, and he appreciated the opportunity to have those conversations. He hoped that neighboring property owners did not feel that it was adversarial. He believed it was an opportunity to ask what could be done with the lot. It is not an easy lot to develop, as evidenced by the fact that it has been vacant for over 40 years.

Commissioner Park asked if it would be possible to rotate the townhomes 90 degrees so they front on 2700 West and alley load off 13400 South as that could alleviate some of the ingress and egress concerns. He understands that it is a difficult lot. The City backfilled the hole because he caught kids playing there and it could have collapsed on top of them. It is a safety concern and a blight that he would love to see developed, but they need to determine how best to do that. Mr. McCay stated that they are willing to consider all options, including rotating the structure. The rendering shows the building facing 13400 South because they felt it was the best fit. The lot is slightly wider than deep, and the electrical line inhibits development somewhat. The alley load also does not provide for as much parking and parking is restricted all around the lot.

Commissioner Park stated that a primary concern expressed in the public comments is that a development such as this is incongruent with the neighborhood and opens the door for other similar developments. The nearest similar development is 1.5 miles away in Mountain View Village. Mr. McCay stated that he believes it will be a long time before Mr. Carlson decides to sell his property, but he is hopeful that when development occurs it will be done as a master plan. A freeway interchange is going in, and that intersection will close to east-west traffic for 10 months. When the property develops, he is hopeful it will have a commercial component on the south end near Bangerter Highway and residential to the north. He does not believe they will face residential on 13400 South or 2700 West; rather, it will face internally, and they will plan for ingress and egress as part of the traffic planning. He believes there will be one or two entries on 13400 South and more on 2700 West.

Commissioner Park pointed out that the Kauri Sue Hamilton School is on one corner, a church is on the other corner, and the surrounding neighborhood is single-family homes. One three-unit townhome would be incongruent. Mr. McCay stated that of all the properties, only one is on a vacant lot that is zoned residential and facing two extremely busy streets.

It has been undeveloped for a reason. He believes he will lose money regardless of how it is developed, and he is trying to mitigate the loss while attempting to find a way to provide housing for the next generation.

Mr. McCay stated that he heard testimony earlier that was not true; high-density housing does not cause an immediate decrease in home values. It usually sets a floor for neighboring residential units. The townhomes will sell for approximately \$450,000. He does not believe anyone would build a \$750,000 house on that corner. If they did, they could build an accessory dwelling unit and have two units on the lot, and he is only asking for one additional unit. He understands that it is uncharacteristic, but he is concerned with the housing crisis in Utah. His children would love to buy a home nearby. Twenty years ago, the average home buyer in Utah was 26 years old, and now it is 36 years old. Many neighbors spent less than \$450,000 on their homes 20 or more years previously. While attached homes are out of the ordinary, the pricing is not. He believes that young families who want to live in the area will be looking at townhomes, but residents seem to want to solve the housing crisis somewhere else.

Commissioner Cluff indicated that the diagram shows three driveways with only one drive approach and asked if all three driveways would have a drive approach cut into the curb. Mr. McCay confirmed that they would. There would be a 30-foot setback from the curb to the first driveway as required by the RM-3 zone. Ideally, he would like to find a way to allow turnarounds, but he is unsure how to accomplish that. The driveways would each fit two cars, and the homes would have two-car garages.

Commissioner Cluff noted that a lot of people have spoken in opposition to the project and asked if a duplex-style structure would be more appropriate. Mr. McCay stated that he has not considered that option due to the financial constraints and practical limitations of the property, but they are willing to consider other options. He noted that 141 people were notified of the public hearing, but less than half of them expressed opposition, and most people he spoke to stated that they did not care what was built on the property. Commissioner Cluff stated that, in her experience, that is a very high ratio of opposition.

She was concerned about approving the Development Agreement, which skips a lot of steps in the process when Mr. McCay had indicated that there are many things he had not yet considered. She asked at what point he expected to have those things finalized. Mr. McCay stated it is a boilerplate agreement because they are only asking for a few exceptions, although he understands that some are major exceptions. If the Planning Commission recommended approval, they planned to take it to the City Council to help flesh out the agreement.

Commissioner Matheson stated that the diagram indicated that cars would have to back out onto 13400 South, which is a very busy street. He sees how difficult it is for cars to back out onto 1300 West, and this intersection is at least as busy. He asked if they would consider a single-family home or duplex with a driveway on the east side and enough room to turn around. Mr. McCay stated that he would love to find a way to allow cars to face 13400 South

as they exit and indicated that most of the driveways along 13400 South require cars to back out.

Commissioner Park reiterated the concerns about ingress and egress and noted that the Development Agreement will set the parameters for the maximum number of units and setbacks. Mr. McCay stated that one limitation he would like added is a maximum of two stories. Some neighbors were not concerned about the density, but they did not want it to be three stories. Commissioner Park stated that the sketch is not reflective of what the final product could be as that is still to be determined by the City Council. Mr. McCay stated that he believes his plan would work with the lot and is buildable, but it is the beginning of the process, and he is open to additional considerations.

In response to a question from Commissioner Park, Mr. Lethbridge stated that neither road is controlled by the Utah Department of Transportation ("UDOT"), so Riverton standards would determine access management.

Chair Matheson opened the public hearing.

*Angel Reyes* has been a resident of Riverton for over 12 years. His family lives two streets north of the subject property and he was opposed to the request. He believes the property owner is using the Development Agreement as a backdoor way to obtain approval. He and his neighbors love that it is a single-family, residential zone, and he believes approval would set a precedent and open the door to multifamily development on the nearby field. That is an issue in Herriman, and he believes what makes Riverton a desirable city is the larger lots.

*Dan Chadwell* stated that he lives four houses to the east of the subject property. They received notice of the public hearing on September 3, 2024, so they did not have a lot of time to react. They circulated a petition, which was submitted to the Planning Commission. Residents believe that three townhouses on .032 acres are too many. They are concerned about allowing RM-3 zoning in a single-family residential area. In the few days it was circulated, 78 residents signed the petition against construction of the townhomes. The pit on the lot is terrible, but he does not know why something needs to be constructed there. He asked if it could be used for water retention.

*Braden Natter* stated that he lives on a cul-de-sac adjacent to the subject property. He thanked Mr. McCay for taking on the ambitious project, but he believed putting a triplex in that busy intersection is a dangerous proposition. He does not see why a single-family residence with perhaps a mother-in-law apartment would not work. He works in residential lending, so he knows that it is cheaper and more profitable to build up than out. He noted that Mr. McCay leans into the family aspect, and he appreciates that because he shares the same concerns. However, Mr. and Mrs. McCay own a fourplex approximately one mile north, so they do have the option to house their kids there. He supports building on that lot, but he does not support a triplex. He believes it should remain a single-family residence.

*Dennis Gordon* stated that he lives three houses to the north of the subject property. The lot is an eyesore and has been for decades, and the pit made it worse. The gentleman who

owned it previously passed away in 2018. Before he passed away, he attempted to have it rezoned for a duplex and was denied by the City Council. That intersection has had 16 serious accidents in the last 14 months. Someone backing out at that intersection would be very dangerous, especially at night. It would also set a precedent of multiple units on a small lot. Additionally, if similar requests were denied in the future in other areas of the City, that would not look good because that the owner of the lot sits on the City Council.

*Kelly Peterson* stated that he lives on Vista Meadows Drive, and he is not in favor of the development. He worked in affordable housing for over 17 years and has seen many similar developments. He built townhomes in Cedar City and Roosevelt, and the garages are used as storage units and cars are parked in the driveway. Families grow, move out, and turn the townhomes into rentals. Tenants often have roommates, which requires more parking. There is no parking on 2700 West or 13400 South. The default parking is in the church parking lot across the road, which would not be fair to the church. He worked with Development Agreements, and they can be vague. If the City moves forward, the agreement should specify what the developer can and cannot do. It was not brought forward to the City Council in a public meeting. He asked if it was brought to them in a closed-door meeting or work meeting that the public did not know about. He was unable to sign the petition because he was out of town, but he and his wife were also opposed. The house to the east has a turnout, and he suggested making this a duplex with access on both roads.

*Mark Webb* stated that he does not live in the neighborhood, but his original intention was to oppose the project. Mr. McCay purchased the property and is trying to do something with it. His understanding is that Mr. McCay wants to build three units in order to recoup his investment. He believes it is too much for the corner, but he understands where he is coming from. If the plan were modified so cars could turn around on the property, he would be in favor of the development. He would not want to purchase a single-family home on that corner, but people think of townhomes differently.

*Nyall London* does not see how putting three homes on the lot would be better or safer than one single-family home. He is concerned about the possible conflict of interest with the proposal. The McCays own the parcel and will profit from the proposal, but they are also elected representatives who could influence their peers and associates to make a decision that benefits them. He believes there is a conflict between what they want and what is good for Riverton, and he is uncomfortable with that conflict. He is concerned that, because Tawnee McCay is on the City Council, she may have undue influence over their decision. If it were owned by someone else, there would be no conflict. It would be nice to have a green park there with a memorial for fallen residents. There would be no issues with traffic, and it would be a benefit to the neighborhood.

*David Young* stated that his home is adjacent to the subject property. He noted that Mr. McCay stated that, based on the traffic study, no developer would build a single-family home on the lot, but he wants to build three homes on the lot. It sits on a basic intersection with one lane and a turn lane in each direction, but there have still been 16 accidents in just over a year. There have been no major injuries, but at least one vehicle has been towed in each accident. He is concerned about opening the floodgates for high-density housing



across the street because he believes the types of owners and tenants in high-density housing are not desirable for Riverton. Regarding parking, this type of housing usually has multiple families or roommates. He is unsure whose doors Mr. McCay knocked on, but he got signatures for the petition and a lot of people did not answer their door even though they were home. He believes he speaks for all residents of the area when he says that Riverton does not want more high-density housing.

*Heather Fairmont* stated that she lives adjacent to the subject property. She is young for the neighborhood, but she attained her American dream of building her home. She does not believe it is appropriate to zone a parcel in a residential area for high-density housing. She moved from West Valley due to the high-density housing there. It will open the floodgates and cause more problems. If their children do not believe in creating the American dream, they need to work harder.

*Candy London* stated that she cannot let the implication go by that residents of the neighborhood are okay with the proposal. She was also part of the petition. Of the 20 houses on her street, 18 of them signed the petition. She was unable to speak to the two who did not sign. She assured the Commission that residents are not in favor of high-density housing on that corner.

*Adrian Russell* stated that he lives nearby. A lot of people who did not sign the petition or send emails have made comments in the neighborhood Facebook group indicating they are against the proposed development. It is a neighborhood of single-family homes, and they would like to stay that way. Traffic is an issue, as Mr. McCay brought up.

\_\_\_\_\_ commented that he does not believe a triplex makes sense for that corner.

*Lynn Strom* stated that he has driven through that intersection during rush hour, and traffic is backed up. He assumes that the road will eventually need to be widened for right turn lanes, and at that point, the lot will be smaller. If so, that should be taken into consideration. Right-turn lanes would make the intersection safer and allow traffic to flow more smoothly. The alternative would be to improve mass transit.

*Brett Musko* stated that he lives northeast of the subject property. It was mentioned earlier in the meeting that it is not the City's job to maximize a property owner's return on investment, and that applies to this property as well. He does not see how three driveways could be less dangerous than one. When the lot was purchased, it was zoned RR-22. Cars backing out into traffic is a concern. He appreciates that the Planning Commission acknowledges the City's obligation to its residents, and he would also appreciate it if they consider neighboring property values and only allow a single-family home on the lot.

*Michael Baird* stated that he lives three streets from the subject property, and he is strongly opposed to rezoning the parcel. As he looked at the map and thought about three townhomes compared to all the single-family homes, he thought to himself that one of these homes is not like the others. He appreciated the Commission's time and echoed his neighbors' comments. He also appreciates them protecting homeowners' property values.

*Ricky Martinez* stated that he lives one street from the subject property. He is a successful real estate agent, and he knows a lot of people who live on that street. If the application goes through, he will be calling all of them and encouraging them to build triplexes on their lots. He hopes that does not happen.

*Natalie Brigman* stated that she lives to the north of the subject property. She did not plan to speak at the meeting, but the topic has been discussed heavily in the neighborhood and nobody is in favor of it. She understands wanting to develop the property, but not with three \$450,000 homes. If someone else wants to sell their home, they can only sell it for the value of their single home. She wished someone would have come to her door so she could sign the petition, but she likely would not have answered her door. Her neighbors would have also signed, adding four more names to the petition. She knows the developer has to obtain permits to build on the property, and she does not see the City issuing a permit to build three driveways so she thinks there will only be one. She is all for developing the property, but it would be ridiculous to build three townhomes.

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

Commissioner Cluff recognized the difficulty of the lot, which is why it has been undeveloped for a long time. However, she believes that just because something can work on a property does not mean it is the right fit. Three townhomes would be out of character for the neighborhood, and safety would be a concern due to the proximity to the intersection. She does not have a better solution to offer, but she does not believe the project would be to the benefit of the City.

Commissioner Park stated that he is conflicted on the matter. He appreciates the fact that Mr. McCay purchased the lot to try to improve it for everyone, including the neighbors. He applauds that effort because everyone agrees that something needs to be done with the lot. It is a difficult lot, and he finds it hard to believe that someone would purchase a large, expensive home on that corner. He also appreciates the neighborhood activating and showing up. Everyone has a stake in the decision, including the Commissioners because it is their City, too. They sit on the Planning Commission because they want Riverton to develop in such a way that they and their children want to live in. He wants his children to be proud of their hometown. Something must be done with the parcel, but he did not know if this was the right project for it. He hoped that whatever the Commission decided to recommend, they could come together to help the McCays determine the best way to use the parcel.

Chair Matheson stated that he was not conflicted. He appreciated Mr. McCay's effort to develop the parcel, but it is zoned for one single-family home. Allowing more units on the parcel would open the possibility of other people tearing down their houses and building multiple units on other lots, which would degrade the neighborhood. He was against a triplex as he did not believe it was the right thing to do.

In response to a question from Commissioner Knudsen, it was verified that the Commission's options were to recommend approval, denial, or other options to address traffic concerns. Whether the City could consider purchasing the parcel for a retention basin or park would be at the discretion of the City Council, but the Commission could include that as a suggestion to the Council.

Chair Matheson clarified that the Planning Commission would make a recommendation to the City Council, and the Council would make the final decision. Tawnee McCay is on the City Council but plans to recuse herself from the matter.

Commissioner Park stated that Mr. and Mrs. McCay do not have any undue influence over the Planning Commission. The Commission would make the decision they felt was best for everyone involved. He did not want to recommend denial. He preferred to move to continue and allow Mr. McCay to come back with a proposal that is more palatable to the Commission and neighborhood residents. Chair Matheson asked Staff if that was a possibility. It was clarified that it could be one possible outcome, especially if they continued it with the expectation that the applicant return with additional proposals.

Chair Matheson stated that his bias is that the property should not be rezoned. If another proposal were presented that would be acceptable to residents and the Commission, he would consider it. Mr. McCay indicated that he would be willing to return with additional proposals.

In response to a question, it was clarified that if the Planning Commission recommended denial, the City Council would hold a public hearing and consider that recommendation. The Planning Commission would not consider the issue again. If the matter were continued, they would ultimately need to make a recommendation for approval or denial. If the Council were to deny based on the Planning Commission's recommendation, there would be a waiting period before the same application could be presented again. A materially different application could be presented immediately.

Commissioner Cluff stated that she was comfortable with continuing the matter to give the applicant a chance to present a more workable plan. Commissioner Park stated that he would support that with the stipulation that the entrance into the lot is addressed. His preference would be to alley load with a single entrance. It was noted that the plan the applicant presented met the setback requirement, but the requirement may not be sufficient for that intersection. The intersection will eventually have right-turn lanes, but that expansion will not affect the subject property. Chair Matheson stated that he was not in favor of a triplex and would be concerned about a duplex because that would change the zoning.

**Commissioner Cluff moved the Planning Commission CONTINUE Application PLZ-24-6001 to the October 10, 2024, Planning Commission Meeting, allowing the applicant to present a proposal that better addresses safety concerns with parking and entrance and exit to the property, as well as lowered density. Commissioner Beck seconded the motion. The motion passed with the unanimous consent of the Commission.**

**F. RIVERTON WEST, AMENDED, PLZ-24-8014, AN APPLICATION TO AMEND A COMMERCIAL SITE PLAN BY ADDING PARKING STALLS ALONG THE SOUTH SIDE OF A BUILDING LOCATED AT 4091 WEST 12600 SOUTH. APPLICANT – CIR ENGINEERING.**

Mr. Prestwich presented the Staff Report and stated that the Master Site Plan and Final Site Plan were approved on February 9, 2023. Phase 1 is almost complete. The building has been erected, the parking lot is paved and striped, sprinklers are going in, and landscaping will be installed soon. A potential tenant has requested additional parking on the south side of Phase 1, so the applicant requested to amend the Site Plan to move some parking stalls previously slated for Phase 2 closer to the Phase 1 building. The Site Plan would still meet all requirements, and Phase 1 would exceed parking requirements. Changes include adding parking stalls along the side of the building and shifting the drive aisle to the south, as well as landscaping plan modifications to accommodate the change. The Phase 1 amendment meets the ordinance and would help the property owner meet its tenants' needs, and Staff recommended approval. Notices were sent to property owners within 300 feet of the subject property and no comments were received.

Commissioner Park expressed a concern that they may not be able to find space for the required parking in Phase 2 and asked if approval would cause Phase 2 to stall. Mr. Prestwich stated that if the applicant could not create enough parking stalls, they would have the option of either a shared parking agreement or decreasing the size of the building to create space for the required stalls.

Applicant's representative, Jeremy Day, stated that they originally debated what side the stalls in question should be on. Phase 2 has adequate parking, and Phase 1 does not. It was a mistake they made with the original design that they now hoped to correct. Mr. Prestwich confirmed that Phase 2 was previously 40 stalls over the requirement, so no additional stalls would be required.

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

**Commissioner Park moved that the Planning Commission APPROVE Application PLZ 24-8014, Riverton West Amended Site Plan, with the following conditions:**

- 1. Site Plan Improvements shall be consistent with the amended plans presented to the Planning Commission except where otherwise noted.**
- 2. The applicant shall correct or resolve any staff redlines on the civil plans.**
- 3. This amendment is added to the previous site plan approvals and requirements and conditions of the Phase 1 approval are still in force unless specifically altered or stated otherwise in this motion.**

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

**G. GODDARD SCHOOL – PLZ-24-2029, AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW A DAYCARE/PRESCHOOL TO BE BUILT ON 1.2 ACRES AT 12653 SOUTH 3600 WEST. APPLICANT – BOB SANTO.**

Mr. Prestwich presented the Staff Report and stated that the Planning Commission previously approved the Master Site Plan for the Rock Ridge Commercial Subdivision, which included the America First Credit Union site, pad sites along 12600 South, and additional pads in the rear along 3600 West. The Goddard School, a private child education facility, would like to be built on the rear corner pad. The table of uses for the CG zone includes daycares and preschools, but educational services are conditional. Their initial indication is that they are a child education facility. They do not use the term “daycare.” Although the table of uses distinguishes the uses, Mr. Prestwich was unable to see a difference between the intended use and what is typically considered a daycare.

The Goddard School provides educational services to children from six weeks to six years old. It will be a 12,000-square-foot building for 174 children and 24 staff members and will operate between the hours of 7:00 a.m. and 6:00 p.m. Parents will walk the children to the front doors for drop-off and pickup. Staggered drop-offs will be between 7:00 a.m. and 9:30 a.m., and staggered pickups will be between 3:00 p.m. and 6:00 p.m. The site will include two playgrounds at the rear of the building, which the applicant indicated are used at teacher-supervised, scheduled playtimes. There will be parking along the front and side of the building.

Mr. Prestwich presented the applicant’s conceptual Site Plan and indicated that a final Site Plan would be presented for approval at a later meeting. The building will have entrance doors on all sides to meet fire department requirements. The Goodard School is a professional group with schools in multiple states, so they are aware of all requirements.

When the Master Site Plan was approved, it included a phasing plan which indicated that certain improvements must be completed first. Once the backbone infrastructure is in place, the lots can be developed in any order. The challenge with the school being on Lot 8 is that the road may be in, but some parking may not be in if Lot 7 is not ready for development. Accordingly, Staff included a recommended condition of approval that the final Site Plan approval may be conditioned upon construction of improvements on adjacent lots with shared infrastructure in the Rock Ridge Subdivision. It would be difficult to have parking on the west side of the building if improvements are not installed on Lot 7, so that would be handled with the final Site Plan. Staff recommended approval of the application.

Commissioner Park asked about the typical conditions that might be placed on a business like this that meets the requirements but is a conditional use. Mr. Prestwich stated that the conditions should bring it up to the level of service that they would expect to see at a daycare.

One possible outcome was that the Planning Commission could conclude it is a daycare and a Conditional Use Permit is not required, but Staff preferred to err on the side of caution.

Applicant, Bob Santo, indicated that he is a franchisee for The Goddard School. He and his wife own three Goddard Schools in the Pittsburgh, PA area, and have licensing for three additional schools in the Salt Lake City area. The Goddard School has more than 600 schools in 37 states. Mr. Santo opened School 196 in 2007, School 396 in 2015, and purchased an existing school in Pittsburgh in 2021. They are a daycare, but they prefer not to use the terminology. They are a childcare center with a focus on education. Their curriculum uses a Piaget and Play model, learning through play.

Mr. Santo indicated that there will be an owner onsite every day. The school will include indoor and outdoor learning spaces, playgrounds, and an indoor gym/auxiliary room. They focus on health and safety, which is one of the things that sets Goddard apart from its competitors. Architect Cheryl Schweiker of Jarmel Kizel Architects and Engineers, Inc. shared the Concept Plan and indicated that it will be a high-end facility with 10 interior classrooms and outdoor play spaces on the east side of the site.

Commissioner Knudsen stated that they recently reviewed the Master Site Plan and took note that the playground area abuts the residential area. There were some concerns about the traffic layout. Scooter's coffee shop is at the upper right of the development, and the only access from 12600 South is a right in/right out access through Scooter's. He asked the applicant about the school's pickup and drop-off process. Mr. Santo stated that he believed the traffic flow would be similar to their three Pittsburgh schools. The parking spaces on the west side of the building will be exclusively for staff and the spaces on the north side of the building are for families. A typical drop-off takes an average of six minutes, so the spots turn over quickly. At capacity, there will be approximately 100 vehicles for 174 children over the two-hour drop-off period. Staff will begin leaving at 4:00 p.m. and traffic is spread out over a longer period for pickup.

Commissioner Knudsen expressed a concern about all 100 vehicles arriving at 8:00 a.m. Mr. Santo stated that the drop-offs are staggered beginning at 7:00 a.m., but there is not a specific staggered schedule for drop-offs. At his school in Peters Township, Pennsylvania, the heaviest period is between 8:30 a.m. and 9:00 a.m., but for the school in Upper Saint Clair, it is between 8:00 a.m. and 9:00 a.m. In his experience, 50% of children are never dropped off in the same short, 30-minute period. Commissioner Knudsen stated that there would be an issue with trying to get 50 cars through the area in a 30-minute period. Ms. Schweiker noted that a traffic study is a recommended Condition of Approval. Commissioner Knudsen stated that he just wanted to ensure the applicant is aware of the Commission's concern. Mr. Santo stated that the architectural firm has built almost 500 daycare facilities across the country and is very familiar with the traffic flow.

Chair Matheson asked the applicant if they have an issue with being called a daycare. Ms. Schweiker clarified that the facility will be licensed by the state to operate as a daycare. Mr. Santo indicated that they are a premium daycare, but the institution is in the daycare space.

Chair Matheson opened the public hearing.

*Kenneth Failor* stated that he lives across the street from the development and there is already a daycare across the street. The coffee shop is to the west of the daycare. East of the coffee shop is a lane with two houses, a rehab center, and a medical office building. Traffic is already heavy at rush hour, which is when children will be dropped off at the daycare. Traffic currently can back up below Maverik going east on 12600 South, sometimes to Redwood Road, and people coming out of the subdivision cannot get out onto the road. He does not believe there is good access to the location, and UDOT will not allow another access. Chair Matheson stated that the Planning Commission is concerned about the traffic, and a traffic study will be required prior to final approval.

*Matthew Bell* stated that his children attend the nearby Montessori School. Due to the redesign of 12600 South and Bangerter Highway, you sometimes have to wait for almost a mile of cars to pass by before you can turn right on 12600 South. He believed the issue was being overcomplicated. If they intend to teach a curriculum that will prepare five and six-year-olds for their first-grade and kindergarten education, that means they are providing education services for primary education. If they are only taking care of children and doing activities that also happen to be educational, then they are a daycare.

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

Commissioner Knudsen asked Staff to speak to the process. Mr. Prestwich stated that the Master Site Plan was previously approved, and it included a school in the southeast corner. The access points onto 12600 South and 3600 West were included on the Master Site Plan. Traffic studies were completed, and UDOT granted approval for access. The matter before the Commission was the use of a school or daycare and determining if it were a school that would require a Conditional Use Permit to ensure that it operates safely, efficiently, and in a manner that is like a permitted use. A daycare is a permitted use in the zone, and they would not have been required to apply for a Conditional Use Permit if they had indicated that they are a daycare. Commissioner Knudsen stated that he wanted approval to be subject to completion of the backbone infrastructure. Mr. Prestwich stated that the application has been made for the Final Master Site Plan, so they are on track to complete the required infrastructure work.

Commissioner Park asked if the two access points from 3600 West are part of the required infrastructure and if the second access from 12600 South will also be right in/right out. Mr. Prestwich confirmed that it is but it will not be built with the backbone infrastructure.

**Commissioner Cluff moved that the Planning Commission establish that the Goddard School is a daycare, not an educational facility, and can move forward with a final Site Plan application. Commissioner Knudsen seconded the motion. The motion passed with the unanimous consent of the Commission.**

3. **DECISION ITEMS**

A. None.

4. **DISCUSSION ITEMS**

A. None.

5. **MINUTES**

A. MINUTES FROM THE PLANNING COMMISSION MEETING HELD ON  
AUGUST 22, 2024.

Commissioner Keele moved that the Planning Commission APPROVE the Planning Commission Meeting Minutes of August 22, 2024, as reported. Commissioner Cluff seconded the motion. The motion passed with the unanimous consent of the Commission.

6. **ADJOURNMENT**

The meeting adjourned at approximately 10:15 PM.