

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 14, 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
Gary Cannon
Shelly Cluff
Crystal Keele
Darren Park
Troy Rushton

Staff:

Lisa Halversen, City Planner
Matt Cassel, City Engineer
Tim Prestwich, 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.

2. PUBLIC HEARINGS

- A. "ROBERTS REZONE", PLZ-24-4007, AN APPLICATION FOR A REZONE OF APPROXIMATELY .91 ACRES LOCATED AT 4191 WEST 13400 SOUTH FROM R-1 (RESIDENTIAL ONE-ACRE LOTS) TO C-R (REGIONAL COMMERCIAL). APPLICANT – JAY AND SHELLY ROBERTS**

City Planner, Lisa Halversen presented the Staff Report and stated that the subject property was the last parcel in that area of 13400 South to rezone from R-1 to C-R. Most of the other properties were rezoned in 2007 and 2008, and the last was rezoned in 2023. The Roberts request matched what the City previously approved for other similarly situated properties and would create consistent zoning in the area and bring it into compliance with the General Plan. Ms. Halversen reported that no plans had been submitted for the parcel, but a Site Plan would likely be submitted for Planning Commission review within the next few months.

Notices were sent to all property owners within 1,000 feet of the subject property and posted on the City's website. No public comments were received. New notices would be sent once the item was added to a City Council meeting agenda.

The applicant, Shelly Roberts, stated that theirs is the last property on the street that is zoned residential, and they are now considering a commercial use for the property.

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

Commissioner Beck moved that the Planning Commission recommend APPROVAL of Application PLZ-24-4007, “Roberts Rezone,” by rezoning a 0.91-acre parcel located at 4191 West 13400 South to C-R (Regional Commercial). Commissioner Cluff seconded the motion. The motion passed with the unanimous consent of the Commission.

B. “PELAEZ REZONE,” PLZ-24-4006, AN APPLICATION FOR A GENERAL PLAN AMENDMENT AND A REZONE OF APPROXIMATELY .96-ACRES LOCATED AT 3516 WEST 12600 SOUTH FROM R-1 (RESIDENTIAL ONE-ACRE LOTS) TO C-G (GATEWAY COMMERCIAL) AND THE GENERAL PLAN DESIGNATION CHANGED FROM ESTATE DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. APPLICANT – DANIEL PELAEZ.

City Planner, Tim Prestwich presented the Staff Report and displayed an aerial view of the property. South of the subject property is the future America First Credit Union site. All properties to the north are zoned R-1 and have a General Plan designation of Estate Density Residential, 0.5-acre lots or greater with animal rights. The zoning designation specifies what can be done with a property, and the General Plan gives notice that the City may consider a different use for it. In the past, Riverton has opted to change the General Plan designation on a property and then let property owners make the change when they are ready. Mr. Prestwich referenced the Roberts rezoning and indicated that the General Plan designation for that area was changed in the early 2000s, and then property owners requested rezoning of their parcels as needed. In this case, the General Plan still designates the area as Estate Density Residential. However, the subject property is on a major roadway and in the vicinity of commercial property.

Notices were sent to all property owners within 1,000 feet of the property and posted on the City’s website. Comments were received from 67 residents, all in opposition to the request.

The General Plan and Zoning Map were reviewed. If the zoning were changed, the applicant would be required to submit a Site Plan for consideration at a public Planning Commission hearing. A six or eight-foot masonry fence would be required on either side of the property. The applicant has indicated that they would like to open a heating and air conditioning business, but Mr. Prestwich reminded the Commission that anything allowed in the zone could be built on the parcel. The Planning Commission’s options were discussed, including recommending approval, denial, or a different option such as recommending that the City Council consider re-designating the entire area.

In response to a question from Commissioner Park, Mr. Prestwich stated there are commercial properties in the area, but all adjacent parcels are residential.

Commissioner Rushton asked for clarification on why rezoning was being requested if the applicant intended to have a home-based business. Mr. Prestwich reported that the applicant's intended business would exceed what is allowed for a home occupation. In response to a follow-up question from Commissioner Cannon, Mr. Prestwich added that home-based business limitations include requiring that the applicant reside in the home. The applicant wishes to use the home as an office and showroom and live elsewhere, which disqualifies it from home occupation. Outside storage, the number of employees, and other factors are also limited for home businesses.

Chair Matheson stated that if the property were rezoned, it would require a six- or eight-foot masonry fence on the north, east, and west sides. The Planning Commission also had the option to recommend that the City Council change the entire block to Gateway Commercial. If so, anyone with a house in that zone could either continue to live there or convert it to a commercial property. Mr. Prestwich stated that the City's General Plan will be updated in 2026, and at that time the Council could consider making that change.

Commissioner Cannon asked if, in the event that the General Plan was amended and the houses on 12600 South had a commercial overlay in place, property taxes would increase for residents who choose not to convert their homes to a commercial use. City Attorney Ryan Carter stated that it would not affect their property taxes. Tax Assessors determine property value based on the actual use of the property, not the zoning designation.

Property owner, Rob Freeman stated that the business currently operates in a residential area of Bluffdale. His company works with high-end custom homes and also provides service. He needs office space and a place to meet with customers. Their goal is to turn the existing house into an office and showroom and build a storage area for equipment in the rear.

Commissioner Rushton indicated that a number of flex space units have been built in Riverton and asked if Mr. Freeman had considered moving directly into a similar space in a commercial zone. Mr. Freeman stated that the subject property is central to their service area. He is not looking for warehouse space, but a place to meet with customers. In response to a follow-up question, he clarified that he does need flex space, so a retail location would not be appropriate for his needs. His company currently has employees working from home in different areas, and he needs to centralize his operations.

Commissioner Park referred to the garage currently on the property and asked if additional space would be required for storage and parking. Mr. Freeman clarified that employees take their vehicles home, and other vehicles will be parked inside a building to be constructed behind the existing house. If the company continues to grow, it will open a second location. He is aware that he would need to construct a masonry wall around the property. The business is currently based in his home, which has a six-foot masonry wall.

Commissioner Keele asked about the number of customers and employees who will be at the business at the same time. Mr. Freeman stated that there will usually only be one customer at a time, plus staff, and estimated that no more than four cars would be parked at any one time.

Commissioner Cluff asked if the applicant had discussed rezoning with the neighbors. Mr. Freeman stated that his contractor, Daniel Pelaez tried to reach out to neighboring property owners but has been unable to speak with anyone. Mr. Freeman personally spoke with the neighbor to the east.

In response to a question from Chair Matheson, Mr. Freeman stated that he understood residents' concerns, and it was not his intention to destroy or change their neighborhood.

Chair Matheson opened the public hearing.

Kenneth Failor lives east of the subject property. When he met with the developer, he was given different information. He was told that the garage next to the house would be demolished and a shop constructed in the rear. Shops generate a lot of noise. The property is currently a rental, and the previous renter pushed all the trees out to the irrigation ditch. He spoke about how the City has changed since he moved to Riverton in 1973 and indicated that the one-acre lot requirement should be retained for the area.

Troy Anderson stated that he loves living in Riverton and is lucky to live in a great neighborhood with fantastic neighbors who are not afraid to get involved to ensure their property and rights are protected. He was at the meeting to voice his opposition to another attempt to change the zoning in the neighborhood. The property owner was proposing C-G zoning, which is not in line with the City's General Plan. The community has been established for over 50 years and is R-1 by design with very specific restrictions to preserve the rural, open feel of the neighborhood. He purchased his property based on the assumption that Riverton City would preserve its General Plan, and changing the plan would negatively affect their property values and rights. He would appreciate the Planning Commission's support in recommending denial of the proposed zoning change. It was evident by the number of residents present and by proxy that the neighborhood has spoken.

Dan Poultier stated that he has lived in the area for almost 15 years. The prior rezoning request was the last domino to fall in that area, and he wanted to stop rezoning in his neighborhood at the first domino. If this property were rezoned, more would follow. It is a wonderful neighborhood. There is still investment in the community, but there are also a lot of long-term residents. He implored the Commission to leave the neighborhood as-is.

Hannah Poultier stated that although the owner has indicated a specific use for the property, rezoning it would open it to many other commercial uses and potential parking

and traffic problems. She asked that the Commission not recommend rezoning the property.

Lawrence Sorge reported that he lives in the neighborhood. He referred to the zoning map and noted that there are very few R-1 areas left in Riverton. He does not see a reason to continue chipping away at the City's character. All the charm has been removed from Draper, and he is afraid that will happen to Riverton. His opinion is that the neighborhood should remain zoned R-1 indefinitely.

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

Commissioner Rushton reported that the City Council has denied rezoning requests for the area twice in the past few years, which shows that there is no interest in changing the General Plan. He was raised in Herriman and has lived in Riverton since 1986, and when he goes home to Herriman, he is saddened by the horrible job they have done of maintaining congruity. Riverton has done a good job of maintaining the congruity of neighborhoods. He believes it is an incompatible use for the area. He encouraged residents to band together and find a strategy to preserve the zoning. Flex space zoning is available in Riverton, and he strongly believes that this type of business needs to be in a commercial zone. He was against approval of the application.

Commissioner Park stated that at some point he believes the strip near 12600 South may go commercial as a buffer to the rest of the neighborhood, but he did not believe they should move in that direction based on a single application. Any General Plan adjustment should be done by the City Council after much discussion, consideration, and engagement with the community.

Chair Matheson indicated that he owns eight acres of greenbelt that is zoned R-1, and he values open space. He rode his bicycle to look at the property earlier that day, and it gave him the opportunity to ride down every road in the development. It is a beautiful area, but some of the houses along 12600 South are becoming run down and the area to the west is becoming more commercial. There is no buffer between 12600 South and the beautiful neighborhood. If this strip were rezoned and the property owners were forced to build an eight-foot masonry fence, the neighborhood would have a much better buffer than it does currently. He believes progress is inevitable, and the matter should go back to the City to consider a General Plan revision.

Commissioner Cannon moved that the Planning Commission recommend DENIAL of Application PLZ-24-4006 to amend the General Plan and rezone 0.96 acres located at 3516 West 12600 South, thus keeping the property designated as Estate Density Residential in the General Plan and keeping the current zoning of R-1 (One Acre Lots).

Commissioner Cluff suggested an amendment to the motion to include Chair Matheson's recommendation because she believes that with future increased traffic, homes along

12600 South may not have appeal for residential uses. She was in favor of denying the application but believed the City Council should consider revising the General Plan for this area. In response to a question, Mr. Carter stated that the City Council often makes decisions before the relevant Planning Commission minutes are approved, but Staff would provide them with a summary and could mention the suggestion. Commissioner Cluff was comfortable leaving the motion as-is. Chair Matheson stated that he would like the City Council to consider revising the General Plan, but he was not in favor of approving the application.

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

Mr. Prestwich noted that the General Plan update kickoff meeting would be held after the City Council's January strategic planning meeting. The General Plan will be reviewed and any changes that will affect this specific area will be discussed in 2025, and residents were encouraged to stay engaged in the process. Notices will be sent to nearby property owners regarding the City Council Meeting to consider this item, and a general notice will be sent to announce open houses and meetings to discuss the General Plan.

Kenneth Failor stated that when they widened the road, UDOT District 2 informed him that there would be 130,000 cars on 12600 South by 2030, at which time they will need to add another traffic lane.

C. "PURPLE DUCK STORE.COM", PLZ-24-2033, AN APPLICATION FOR A CONDITIONAL USE HOME OCCUPATION TO BE LOCATED AT 3972 WEST DEER HORN DRIVE. APPLICANT PROPOSES TO MAKE CANDLES, LOTIONS, AND OTHER SIMILAR SCENTED ITEMS TO SELL ONLINE. APPLICANT – BRIAN CLARK.

Ms. Halversen presented the Staff Report and noted that the Clarks intend to run a family business. Mrs. Clark is the inspiration and creative director and the rest of the family assists with the production of candles, lotions, and body sprays that don't contain artificial fragrances. The subject property is 0.50 acres and is located in the southwest corner of Riverton in Deer Mountain Estates. It is zoned RR-22. The home is two stories with a basement, three-car garage, and extra-wide driveway. The applicant intends to use part of the garage for packaging the product, a main floor bedroom to create the products, and a small portion of the kitchen. Two employees will park in the section of the driveway behind the gate.

City Code indicates that any Home Occupation that uses space in an attached or detached garage requires a Conditional Use permit, which will allow the applicant to use up to 50% of garage space. They are also only allowed one nonresident full-time employee, but the Planning Commission can allow for additional employees if sufficient off-street parking is available. Notices were sent to nearby property owners and posted on the City's website, and no responses were received.

Ms. Halversen reviewed the recommended conditions of approval outlined in the Staff Report and invited commissioners to ask the applicant more about his proposed business.

The applicant, Brian Clark, reported that his wife has suffered for years from headaches due to fragrances in lotions, perfumes, candles, etc., and they have discovered that many people have the same issue. After making candles with their grandchildren resulted in another headache, she learned that paraffins, phthalates, and other crude oil products were the cause. She created more candles without those chemicals and did not get a headache. She then created lotions, body sprays, and perfumes, and realized the need was great enough to have an online business. Their goal is to grow the business and eventually move into the detached garage. If it continues to grow, they will then move to a commercial site.

In response to a question from Commissioner Keele about the business name, Mr. Clark stated that Mrs. Clark lived in Australia prior to their marriage. There was a business there called Purple Duck, and she decided that if she ever had her own business, she would call it Purple Duck.

Mrs. Clark has created colognes and beard oil with the same fragrances, as well as a Purple Ducklings line of children's products. She plans to make Purple Pooches products for pets in the future. In response to a question from Chair Matheson, Mr. Clark stated that he does not know all the ingredients, but the products she uses are chemical-free.

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

Commissioner Rushton moved that the Planning Commission APPROVE Application PLZ-24-2044, "Purple Duck Store.com", at 3972 West Deer Horn Drive, with the following conditions:

- 1. The site, structures, and use shall remain in compliance with any and all applicable Riverton City Standards and Ordinances, specifically the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. Applicant must obtain and maintain a Riverton City business license.**
- 3. Applicant must obtain and maintain applicable State and 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. **No business activity may take place outside the home before 7:00 a.m. or after 7:00 p.m.**
6. **Applicant may employ two full-time non-resident employees. All employees must use off-street parking.**
7. **Applicant is permitted to use up to 50% of the attached and detached garage space for business activities.**

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

- D. **“UTAH COLLECTIVE”, PLZ-24-8015, AN APPLICATION FOR A PRIVATE SCHOOL AND EDUCATIONAL COMMUNITY CENTER TO BE LOCATED ON ABOUT 1.28 ACRES AT 2673 WEST 11800 SOUTH. THE REQUESTED APPROVALS INCLUDE AN AMENDED SUBDIVISION PLAT, A CONDITIONAL USE PERMIT FOR AN EDUCATIONAL FACILITY, AND A FINAL SITE PLAN. APPLICANTS – BENJAMIN AND SARAH MILAR.**

Mr. Prestwich presented the Staff Report and indicated that the application was for a commercial or quasi-public use in a residential zone. A conceptual rendering of the school building was displayed which indicated that the building would have a residential feel but be designed to commercial standards. The neighboring properties on 11800 South are part of an older subdivision, and the subject property is approximately 1.75 acres that has remained vacant. Previous property owners have requested rezoning of the parcel for commercial use, and it has also been the subject of General Plan discussions, but each time the City Council decided that the residential zoning should remain intact. The Gospel Hope Church to the south of the property is also zoned RR-22 and operates under the same section of code that would allow a school in the zone. Public and quasi-public uses are allowed as Conditional Uses, and a private school is considered a quasi-public use.

Notice was sent to residents within 300 feet of the subject property, and no comments were received.

The application included a Conditional Use for the school, a final commercial Site Plan, and a subdivision. The neighbor to the east and property owner agreed to adjust their common line to give the neighbor in the existing residence more property, so a subdivision was required to meet State code requirements.

Mr. Prestwich reported that both 11800 South and 2700 West are collector roads with heavy traffic. The applicant and his engineer moved the access points to the farthest extremes to create the least possible chance of interference with the intersection. Access for drop-offs and pick-ups will be one way. Cars will enter the property through 2700 West, parking is angled to encourage the one-way flow, and the exit is onto 11800 South.

The proposal included three different fencing types. Along the south property line is an existing fence that was installed by the church. On the north and west sides, the applicant proposed a six-foot-tall, five-rail metal fence. Typically, fences are not allowed in the front yard of residential zones. The Planning Commission could decide to allow it for the Conditional Use or require the fence to meet residential setback requirements of 20 feet from the property line on 11800 South. Mr. Prestwich noted that it may be a challenge to add fencing on the east side because the site sits approximately two-and-a-half feet higher than the neighboring property, but the City Council has been concerned about grade differences in commercial properties that abut residences. In this case, Staff requested a condition of approval to indicate that the fence must sit six feet above the parking surface to mitigate the increased impact on the residential property.

The applicant provided a traffic study indicating approximately 96 peak-hour morning trips, and Staff was satisfied that their proposed traffic flow could accommodate that. If the number of trips were exceeded, other options would need to be considered.

Project renderings were reviewed. Mr. Prestwich indicated that they have done a good job of adding a residential feel to the commercial use, but at 34.5 feet it is much taller than traditional residences. Landscaping will include sod around the building and indoor gymnasium, and waterwise landscaping around the border of the property. The gymnasium will have garage doors that open to a concrete play area between the buildings.

Commissioner Cannon expressed his appreciation for the applicant and Staff's efforts on the project since it was first brought before the Commission. His questions for the applicant were if the excess property was intentionally left open for future building, and if the fencing at the intersection was chosen for aesthetic or safety purposes.

In response to a question from Commissioner Rushton, it was clarified that there are no plans to widen either 2700 South or 11800 West.

Commissioner Park was concerned about the type of fencing. Mr. Prestwich clarified that the requested height would be an exception, but it was within the Planning Commission's authority to dictate the fencing type.

The issue of commercial properties abutting residential areas was discussed. They have different traffic patterns, headlights may shine into homes, and residents' privacy is affected. The Council is working to give the Planning Commission and Staff the tools to ensure those concerns are addressed in the future. Because the current application was for a Conditional Use, the fencing and grade could be addressed in the motion. A Text Amendment would then be forthcoming to permanently address the issue.

In response to a question from Chair Matheson, Mr. Prestwich stated that the applicant proposed a solid vinyl fence to the east, which is typical between residentially zoned

properties. If the Commission felt that a different type of fencing was necessary for the quasi-public use, it was within its authority to require it. Chair Matheson indicated that both light and sound would be an issue, so masonry fencing would be more reasonable to recommend. Mr. Prestwich agreed, noting that the school is closer to a commercial use and solid walls are required when commercial abuts residential.

The applicant, Benjamin Milar stated that their goal is to create an education experience that is also involved in the community. Their business model is a private hybrid micro-school. It is a two-day program where students take a la carte classes. It is K-12, with an emphasis on middle and high school. If someone only has elementary-age children, they will not be eligible to attend. There are many other options for young children, and they want to focus on middle and high school children. They currently have a school in Orem, and their middle and high school students volunteer to help with the medical facility there. They wanted a location in Riverton that would be part of the community.

In response to the Commission's questions, Mr. Milar stated that they have no plans to increase the number of students beyond what is stated as they want to maintain the smaller, more intimate setting. Future plans for the open space on the southern end of the parcel include farm and garden areas for the children to gain experience with animals and gardening. They chose the steel rail fencing along 11800 South with children's safety in mind. Regarding traffic, many students arrive at 9:00 a.m., but others arrive later in the day. Drop-offs and pick-ups are staggered throughout the day.

In response to a question from Commissioner Cannon, Mr. Milar stated that he believes parents should be the primary educators of their children. Parents are required to serve hours at the school so typically a parent is present with the student, and parents facilitate teaching. They do not have a traditional teaching model. Their teachers are parents and others from the community who have a passion for education. For example, a volunteer English teacher in the Orem school is a corporate executive with a degree in English Literature. Typically, there is a one-to-six parent or teacher-to-student ratio.

Commissioner Cannon indicated that they needed to ensure that the school would not create a traffic challenge. Mr. Milar reported that they have an agreement to use the church parking lot as needed.

In response to a question from Commissioner Rushton, Mr. Milar clarified that he envisioned the north and west fences to be six-foot, semi-transparent rail fences to both maintain visibility and create a safety barrier. There are no animals on the parcels to the east.

Chair Matheson asked for clarification on the number of cars that were expected at any one time. Mr. Milar stated that of the 150 students, approximately 25% would be high-school-aged, 60% middle-school-aged, and the remaining 15% would be elementary-aged. They will accept elementary students if there is a middle or high schooler because it is common for families to have children of various ages. The average family has three

students enrolled at the school, and they all normally ride together and often carpool with other students. Parking passes will be issued based on the number of available stalls, and other families will need to carpool or arrange to park in the adjacent church parking lot. They hope local families will attend and be able to walk to school, but they anticipate people will also be driving from other areas.

Chair Matheson opened the public hearing.

Richard Keller reported that he lives to the east of the subject property. He has met with Messrs. Milar and Prestwich regarding the project. Regarding the wall between properties, he suggested building a stem wall out of cement blocks or boulders. The current owner brought in dirt and built the property up to match the surrounding streets, which made it much higher than Mr. Keller's property. Now every time it rains, water and mud are washed into his driveway. He believes there needs to be a buffer between the properties. Because of the amount of traffic that will be entering and exiting the property each day, he would prefer a solid wall to help dampen the noise and block lights. He also asked that the exterior lighting have shielding to prevent it from shining into his property. Even with a wall, they will be able to see the building entrance from their sunroom. In morning and evening rush hours, traffic already backs up approximately one-quarter mile from the signal down 11800 South, and he did not believe people would want to walk from the church parking lot in winter. He likes the idea of the project but is concerned about traffic, noise, and light.

Marv Hendrickson stated that he is the former owner of the subject property. He applied to rezone and subdivide the lot and was approved but when Mr. Milar proposed the school, he thought that would be a much better use of the property. He was in favor of approving the application.

Mark Webb stated that he used to live on 11800 South and irrigation water used to come through that property and asked if the plans took that into consideration. It was clarified that the infrastructure is still in place and will continue to operate as expected.

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

Regarding the exit from the property, Commissioner Rushton asked about the distance from the intersection and if left-hand turns would be allowed onto 11800 South. Mr. Prestwich clarified that the applicant has proposed a right-turn-only exit. If they have a problem with people making left turns, the City will consider requiring a median.

In response to a question from Commissioner Rushton, Mr. Prestwich stated that overflow from the stormwater retention vaults will flow to the public right-of-way on 11800 South. The property owner will be required to retain or redirect all stormwater so that it does not impact Mr. Keller's property to the east. Currently, the water runoff is unabated due to the condition of the lot, so this project will correct that problem.

Commissioner Park asked for clarification on the proposed material for the fence along 11800 South and 2700 West. Mr. Prestwich stated that the proposal does not specify the fencing type, but Mr. Milar indicated that it would be steel. The applicant will need to work with Rocky Mountain Power to ensure proper clearance from the guywire near the exit to 11800 South.

Commissioner Rushton stated that the fencing at Saint Andrew's is at a different elevation from this parcel and indicated his preference for following the City's established ordinance regarding fencing for commercial properties. Mr. Prestwich clarified that the height of the fence would be six feet measured from the parking lot curb face. Including the elevation difference, the top of the fence would be approximately eight feet above the Keller property. The proposed fence along that property line is vinyl, as is the one at Saint Andrew's, but there was some discussion about changing it to block or masonry. Mr. Prestwich had no issues with vinyl as long as the neighbor is protected. Chair Matheson stated that it would be important to stipulate that the fence cannot be vinyl. There are concerns about traffic, light, and sound, and his position was that it should be a masonry fence at six feet above curb level.

In response to a question from Commissioner Rushton, it was clarified that school zones are normally decided by the school district, and it was not clear how a charter school would put one in place.

Commissioner Matheson asked about any potential issues with the number of farm animals that could be allowed on the property. Mr. Prestwich noted that because it is zoned RR-22, two large animals per 0.5 acre are allowed, or the equivalent of small or medium animals.

Commissioner Cluff agreed that the east fence should be masonry, not vinyl.

Commissioner Matheson moved the Planning Commission APPROVE PLZ-24-8015, "Utah Collective School", to be located at 2673 West 11800 South, with the following conditions:

- 1. Approval includes an amended subdivision plat, a conditional use permit for an education facility, and a Final Site Plan.**
- 2. Final Plat must be recorded with Salt Lake County.**
- 3. Applicant must fix any outstanding Riverton City staff redline comments on the plat and plans.**
- 4. The applicant must obtain any necessary approvals or permits from applicable outside agencies or jurisdictions.**

5. **Storm drainage systems and accommodations comply with the Riverton City Standards and Ordinances and with the recommendations of the Riverton City Engineering Division.**
6. **The Applicant must create and agree to follow a Long-Term Storm Water Management Plan according to Riverton City Standards and Ordinances.**
7. **A Land Disturbance Permit must be issued by the City prior to any construction grading on the site.**
8. **Fencing along the east property line shall be at least six feet higher than the adjoining parking lot elevation measured from the face of the curb. Fencing on the east property line shall be of masonry construction. West and north property line fencing shall be a five-rail metal fence.**
9. **Conditional Use is approved for a school with up to 150 students, not to exceed 96 morning peak hour trips and 64 evening peak hour trips.**

Commissioner Rushton asked why the fence was not required to be eight feet tall as is required between commercial and residential properties. Mr. Prestwich stated that a six-foot fence would be greater than eight feet tall as viewed from the parcel to the east because there is at least a two-foot difference in grade.

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

- E. **“SKIBIDI RIZZ”, PLZ-24-1007, AN APPLICATION FOR A MINOR TWO-LOT SUBDIVISION OF APPROXIMATELY 1.25-ACRE, ZONED RR-22 (SINGLE-FAMILY RESIDENTIAL, MINIMUM .5-ACRE LOTS) LOCATED AT 13441 SOUTH TRESTLE LANE. APPLICANT – KELLY CHECKETTS.**

Ms. Halversen presented the Staff Report and stated that the 1.25-acre property is zoned RR-22, which does not require rezoning for a minor subdivision. The subdivision will include 117 feet of frontage on Trestle Lane south of 13400 South. The existing home will be on Lot 2 and a new home will be built on Lot 1. The area is designated Estate Density Residential by the General Plan. The 20-foot private lane was approved by the Planning Commission in June 2024, and both it and the utilities will be privately maintained.

With regard to fencing, Mr. Checketts was able to contact three of the four adjoining property owners on the north and south sides, who agreed he could retain the existing fencing. New Lot 1 backs on the canal and City Code requires a six-foot masonry fence along that property line. In response to a question from Commissioner Park,

Ms. Halversen clarified that without the approval of neighboring property owners, the City Code would require a solid six-foot fence.

The applicant, Kelly Checketts, commented that he fell in love with the neighborhood six years ago when his brother bought a home across the street from this property. The owners moved out of the home two years ago and the house was vacant until he purchased it. He plans to sell the existing house and build a new home on the rear lot.

In response to a question from Chair Matheson, Mr. Checketts indicated that the new home would also have a Trestle Lane address. He also stated that he has talked to the city about not requiring a masonry fence along the canal side.

<break in audio at 2:30:03>

Chair Matheson asked if there were available options that would comply with City Code. Ms. Halversen stated that the applicant has applied for a variance from the fencing requirement. The variance application will be heard by the Appeal Authority. Whether it is approved or denied will not impact the Planning Commission's decision. Chair Matheson indicated that some houses along the Jordan River Trail have masonry fences, and others have metal rail fences.

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

Commissioner Cannon stated that he has experience with canals and maintenance of the area from the top of the bank to the fence, and the requirements are in place for a reason. Vinyl fences cannot withstand things like fire and are often vandalized. The best fences along the 24 miles of canal are masonry, but he understood that the applicant may be able to circumvent the ordinance by using the proper process.

Commissioner Park asked about the history of the masonry fencing requirement. Mr. Prestwich indicated that it had been in place for 12 to 15 years. The City Council decided that residents needed to be protected from waterways, and solid masonry fencing is the best way to accomplish that. The Ordinance does not provide for an exception. The variance request asks for an exception to the Code on the basis that its strict application prevents the homeowner from having a property right other people in the neighborhood enjoy. Staff will forward the results of the request to the Commission. Commissioner Matheson clarified that no language regarding an exception should be included in the motion.

Commissioner Cluff moved that the Planning Commission APPROVE PLZ-24-1007, "Skibidi Rizz Subdivision", to be located at 13441 South Trestle Lane, with the following conditions:

- 1. Subdivision lots and private lane layout shall be consistent with the plans presented to the Planning Commission except where otherwise noted.**
- 2. Applicant must Apply for a Final Plan Approval.**
- 3. Final Plan and Plat to be reviewed and approved by City Staff.**
- 4. Final Plat must be recorded with Salt Lake County.**
- 5. Applicant must fix any outstanding Riverton City staff redline comments on the plat and plans.**
- 6. The applicant must obtain any necessary approvals or permits from applicable outside agencies or jurisdictions.**
- 7. Include a temporary turnaround on the property to meet City and Fire Department requirements.**
- 8. Storm drainage systems and accommodations comply with the Riverton City Standards and Ordinances and with the recommendations of the Riverton City Engineering Division.**
- 9. The Applicant must create and agree to follow a Long-Term Storm Water Management Plan according to Riverton City Standards and Ordinances.**
- 10. A Land Disturbance Permit must be issued by the City prior to any construction grading on the site.**
- 11. The site and structures shall comply with all applicable Riverton City Standards and Ordinances, including the International Building and Fire Codes.**
- 12. The private lane and utilities in the private lane are to be owned and maintained by the property owners. No City maintenance will take place on infrastructure outside the Public Right-of-Way or established City easement.**
- 13. Existing fencing along the north and south property lines may remain. Fencing along the canal shall be six-foot masonry as required by the City Code.**

Commissioner Keele seconded the motion. Vote on motion: Commissioner Park-Yes, Commissioner Keele-Yes, Commissioner Rushton-No, Chair Matheson-Yes,

Commissioner Cluff-Yes, Commissioner Beck-Yes, Commissioner Canno-Yes. The motion passed 6-to-1.

Commissioner Rushton reported that he voted no on Item 13. He lives on the Utah Lake Canal and has a vinyl fence because his home predates the ordinance. He believes that requiring a private resident to install a masonry fence is extreme and the City Council should review the requirement.

3. DECISION ITEMS

A. "VILLAGE AT SOUTH MOUNTAIN WEST, PAD A AMENDED", PLZ-24-8022, AN APPLICATION TO AMEND A PREVIOUSLY APPROVED COMMERCIAL SITE PLAN LOCATED AT APPROXIMATELY 4182 WEST 13400 SOUTH.

Mr. Prestwich reported that the building was accidentally constructed 10 feet south of the approved location and on top of an existing power line easement. The power lines are located in the far southern area of the easement, so no lines were affected, and no one was injured when the foundation was laid. The problem was not discovered until they began laying out the sidewalk and parking stalls. To correct the issue, two parking stalls will be moved and additional landscaping added to the parking islands on the north side of the parcel. The drive-through aisle will move closer to traffic, but it will still have the required 10-foot setback. The change was approved by both SLR and Rocky Mountain Power, and Staff requested that the Planning Commission consider approval so construction can resume.

Commissioner Cluff asked what would happen if the Planning Commission denied the application. Mr. Prestwich stated that the applicant would likely challenge the decision before demolishing the building. The amended Site Plan met all City Ordinance requirements.

Jake Tate of Anderson Wahlen and Associates spoke on behalf of the applicant. He indicated that the project was approved and developed in two parts. The backbone infrastructure was installed prior to the pads. The early concepts included a conceptual Master Plan, and the contractor built the foundations based on that concept instead of the approved plan.

Commissioner Cluff moved that the Planning Commission APPROVE PLZ-24-8022, "The Village at South Mountain West, Pad A, Lot 1 Amended" Detail Plan, in the SLR Special Development District, with the following conditions:

- 1. The Detailed Plan shall comply with the approved CSP/BSP, Master Development Agreement (MDA), and the Suburban Land Reserve Specific Development District.**

2. **Site Plan Improvements shall be consistent with the Amended plans presented to the Planning Commission except where otherwise noted.**
3. **All other conditions from the April 27, 2023, site plan approval remain in place and unchanged.**

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

B. "BURGER KING", PLZ-24-8019, AN APPLICATION TO AMEND A PREVIOUSLY APPROVED COMMERCIAL SITE PLAN LOCATED AT APPROXIMATELY 1870 WEST 12600 SOUTH.

Ms. Halversen presented the Staff Report and stated that the Planning Commission previously approved the Site Plan to renovate and convert the old Carl's Junior to a Burger King. The plans submitted with the Building Permit application were slightly different from the approved plans. Due to the prominent location of the building, Staff decided that the Planning Commission should review the change and determine if the proposal still met all City code requirements. The approved traditional red brick on the southeast corner has been changed to an accent brick veneer product. Concept images of the original and new facades were reviewed.

Commissioner Rushton asked if the change brought the building out of compliance with Code requirements for the Historic District. Ms. Halversen reported that the Planning Commission had an extended discussion on what the building should look like. Mr. Prestwich stated that the brick product was not clearly visible in the rendering, but a better photograph was provided by the applicant immediately prior to the meeting. It is a brick accent wall with varying depths of brick.

Commissioner Cluff stated that she believed the original brick was counted toward the red brick surface requirement and no red brick surface would be lost with the new material, so it should not impact the criteria.

Commissioner Matheson noted that two windows had also been removed near the entry door. It was confirmed that that change was not material to the discussion.

Commissioner Park indicated that the rendering of the previously approved west elevation was presented to the Commission at the time of original approval, and the brick shown on that elevation is identical to that which is proposed for the southeast corner.

Project architect, Brian Russell apologized for the error. The original plan was for a solid brick wall, but in order to make it more visually appealing they opted for a slightly pinker brick with texture and vertical coursing. Mr. Russell presented a photo of Matson Tire and Auto showing the precedent for a pinker shade of accent brick. He was unaware that

introducing a new shade would cause an issue, and he thanked City Staff for working with him to resolve it.

Commissioner Cluff asked if any additional changes had been made to the approved plan. Mr. Russell stated that the windows were removed to accommodate an interior accent booth, but he was not aware of any additional changes.

Commissioner Park asked if the color of the textured accent wall was present elsewhere in the development or if a new color was being introduced. Mr. Russell stated that they worked off of a matching palette, but there are different shades of red brick in other buildings in the center. It will be redder than the accent color on the neighboring building and within the provided palette.

Commissioner Cluff moved that the Planning Commission APPROVE PLZ-24-8019, “Burger King”, amending the August 8, 2024 Site Plan Amendment as shown. Commissioner Beck seconded the motion. The motion passed with the unanimous consent of the Commission.

4. DISCUSSION ITEMS

A. None.

5. MINUTES

A. MINUTES APPROVAL – OCTOBER 10, 2024.

Commissioner Beck moved that the Planning Commission APPROVE the Planning Commission Meeting Minutes of October 10, 2024, as reported. Commissioner Keele seconded the motion. The motion passed with the unanimous consent of the Commission.

B. MINUTES APPROVAL – OCTOBER 24, 2024.

Commissioner Cluff moved that the Planning Commission APPROVE the Planning Commission Meeting Minutes of October 10, 2024, as reported. Chair Matheson seconded the motion. The motion passed with the unanimous consent of the Commission.

6. ADJOURNMENT

The meeting adjourned at approximately 9:40 PM.