

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
NOVEMBER 20, 2025**

The Riverton City Planning Commission convened at approximately 6:30 PM in the Riverton City Hall, 12830 South Redwood Road, Riverton, Utah.

Planning Commission Members:

Monique Beck
Gary Cannon
Shelly Cluff
Crystal Keele
Evan Matheson
Darren Park
Troy Rushton

Staff:

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

1. CALL TO ORDER/ROLL CALL

Chair Darren Park called the Planning Commission Meeting to order at 6:30 p.m. Commissioner Cannon thanked Mayor Trent Staggs for attending the meeting and his service to the City. Matthew Renlund led the Pledge of Allegiance.

2. PUBLIC HEARINGS

A. '12600 SOUTH CRA DEVELOPMENT AGREEMENT,' PLZ -25-4011, AN APPLICATION FOR APPROVAL OF A DEVELOPMENT AGREEMENT FOR 2.19-ACRES LOCATED AT APPROXIMATELY 1450 WEST 12600 SOUTH, WHICH INCLUDES CHANGING THE ZONING TO ALLOW COMMERCIAL USES AND PRELIMINARY SITE PLAN APPROVAL. APPLICANT - NEWMAN CONSTRUCTION

Development Services Director, Jason Lethbridge, reported that the application included property currently occupied by the Riverton City Skate Park. The Planning Commission will be considering the Development Agreement, including the proposed use, buildings, layout, etc. Any decisions regarding the public skate park property would be considered by the City Council.

Aerial, Zoning, and Land Use maps were reviewed. The subject property was zoned RR-22. Surrounding properties were zoned Residential ("R-4") and Commercial Gateway ("C-G"), and the skate park was zoned Parks and Open Space ("P/OS"). General Plan land uses included Community Commercial and Open Space.

Mr. Lethbridge provided background information on the subject property. In 2015, the Riverton City Market Share and Retail Leakage Analysis considered retail uses that were missing from the City and how that sales tax revenue could be captured. Frontage along

the park and other nearby areas were identified for potential commercial development. A 2018 Small Area Plan focused on the downtown area also proposed commercial development in the area. In 2020, Utah State University students created a long-range Visioning Plan that looked at both residential and commercial uses for the area.

Surveys in 2018, 2021, and 2023 asked residents about proposed commercial uses in the City. Sit-down restaurants ranked highest on all surveys. More dining options had been added as the City grew, but there was a strong desire to see more such development in the downtown area. To that end, the City had utilized redevelopment tools to incentivize good development along the 12600 South corridor.

The proposed Site Plan was reviewed, indicating a three-building development. The Applicant had met with the Utah Department of Transportation ("UDOT"), which had indicated that they would allow a single access point from 12600 South. A planned future access to the adjacent property to the east was also included as required by Riverton City Code. No setback modifications were proposed.

Conceptual renderings were next reviewed. Mr. Lethbridge reported that the drawings included angled parking along 1400 West that would be removed from the Site Plan. Building design, including elements like window treatments, would be complementary to the Old Dome Meeting Hall.

The traffic study assumed a coffee shop and two fast-casual restaurants, which are high volume uses, and determined that a single access from 12600 South would be adequate for the proposed traffic volume. UDOT would determine any necessary traffic control measures at the access point.

Mr. Lethbridge reviewed the proposed Conditions of Approval and noted that all conditions would be included in the Development Agreement.

Commissioner Cluff stated that Development Agreements are typically presented to the Planning Commission in their final form, but that was not the case with this item. Mr. Lethbridge stated that the City Council had contemplated sale of the parcel, but a final decision had not been made. However, the final decision to sell the land north of the subject property came with Council approval of that Development Agreement. Regarding the renderings, both a Condition of Approval and the Development Agreement would refer to the updated renderings and exhibit as presented.

Commissioner Cluff asked how UDOT approval and any associated conditions could shape the final project. Mr. Lethbridge stated that the nature of the access could change. For example, right-in/right-out access and associated physical barriers could be required. The City prefers to have as much detail as possible prior to approving a Development Agreement, and the Applicant and Staff had engaged in preliminary discussions with UDOT regarding the location of the access.

In response to a question raised by Commissioner Rushton, Mr. Lethbridge reported that any city has the ability to designate redevelopment areas to address blight or underdevelopment. The initial discussion typically occurs in closed City Council sessions to consider disposition of city property and financial aspects of development, but cities often choose not to move forward with those proposals.

Specific to Riverton, two study areas were recently identified for redevelopment: the area across the street from City Hall and properties to the south, and a larger project area that extends along 12600 South to the golf course and includes the subject property. Within the larger study area, the Community Redevelopment Agency (“CRA”) was adopted in a public meeting. The Redevelopment Agency Board consists of City Council members, but the agencies act separately. No guarantees were inherent within the RDA, but it expanded the City’s toolbox and opened opportunities to provide incentives and develop land differently. In response to a follow-up question from Commissioner Rushton, Mr. Lethbridge clarified that CRAs do not automatically have sundown clauses, but cities may put one in place.

Commissioner Rushton asked about the similarities and differences between this proposal and the project across 12600 South, which also included both private and City-owned property. Mr. Lethbridge stated that the context was very different as the City land for the other project had not been part of a City facility, but both were redevelopment projects involving City land and the opportunity for a public/private partnership.

Commissioner Cannon stated that the Planning Commission was holding a special session to rule on a property that the City had not committed to sell and had not been appraised, and for which they had not gone through the proper noticing process. He asked why the formal process was not followed. The property should be appraised, and others should be given the opportunity to make an offer on it and he believed the Applicant was being given an unfair advantage.

City Attorney, Ryan Carter, stated that the Planning Commission’s mission was to decide whether the proposal was an appropriate use of the land. Questions related to transactions between the City and developer were the City Council’s responsibility to consider. The property had been appraised, but that information was not presented to the Planning Commission because it is not within their purview to consider the item based on an appraisal. They must consider the item and make a recommendation to the City Council based on land use.

In response to a question raised by Commissioner Matheson, Mr. Lethbridge reported that the two skate park parcels are owned by Riverton City. The Beans and Brews Coffee House parcel to the West, other privately-owned parcels to the east, and City-owned parcels to the south were not part of the application. The only access to the property would be from 12600 South. Condition of Approval 2 specified that no access would be allowed to 1450 West or the adjacent City property to the south.

In response to a follow-up question, Mr. Lethbridge stated that “fast-casual” was a newer term created by the industry. Café Rio is an example of a fast-casual restaurant. The two smaller buildings would have drive-thrus.

Commissioner Keele asked if Riverton was the previous owner of the parcels currently owned by the Applicant. Mr. Lethbridge reported that the parcels were previously owned by Riverton Park, LLC, which was not associated with Riverton City.

In response to a question raised by Chair Park, it was reported that the minimum setback for the Pedestrian-Oriented Overlay (“PO-OV”) was 10 feet and the proposed Building 3 setback from 1450 West was 30 feet.

Chair Park noted that the rezoning request was for the City-owned parcels, not the Applicant’s parcels. Mr. Lethbridge clarified that the Development Agreement and associated rezoning would apply to all parcels, including those currently owned by the Applicant, and the omission of the City parcels from the application was an error. The Planning Commission would make a recommendation on the Development Agreement, not the application. Chair Park stated that the Meeting Packet did not include the Development Agreement. Mr. Carter stated that the most common feature of a Development Agreement is that it creates salient differences from default City Code regarding things like setbacks. Based on the drawings provided, no aspects of the project would trigger the need for those exceptions. The Development Agreement would aggregate the project to a single comprehensive area and bind the Site Plan as presented. It would note the property zoning and include no exceptions to City Code. The final Development Agreement would be reviewed by the City Council.

Chair Park asked how any material changes required by UDOT or another governing entity would affect the process. Mr. Lethbridge reported that substantial changes would require an amendment to the Development Agreement. Mr. Carter added that if the City Council signed the agreement with the proposed conditions and the plans had to be changed in any material way, for example, adding a deceleration lane, those changes would be subject to review and reconsideration by the Planning Commission and City Council.

Commissioner Cluff asked if the Development Agreement would require specific tenants. Mr. Lethbridge stated that uses were determined by the zoning. The C-G Zone and Pedestrian-Oriented Overlay restrict some uses such as vape and pawn shops or automotive uses, but further limitations such as requiring that the buildings only be used for fast-casual dining could cause market-based issues with acquiring tenants. However, it was within the Planning Commission’s authority to recommend specific exclusions or restrictions.

Commissioner Cluff expressed concern about the market’s ability to support more restaurants. For example, the development to the west has a credit union and dental office which were not originally envisioned for the project. Mr. Lethbridge stated that the

Commission could either specifically or broadly recommend that the City Council explore additional restrictions on use types. Mr. Carter indicated that if the concern was to ensure that the properties are occupied, further restricting the allowed uses would be counterproductive to that goal.

Commissioner Cluff stated that her concern was whether the proposed use could be supported in the area. Mr. Carter stated that the developer wanted to attract the proposed uses, but that could not be guaranteed. An example was Peterson's Fresh Market. The RDA participated in the redevelopment of the southwest corner of 12600 South and Redwood Road with Peterson's Fresh Market as its crown jewel. Before the project area budget lapsed, the market had consolidated with Albertson's across the street. The City had to do the best it could with the available information and keep working with the development community as challenges arose.

In response to a question raised by Commissioner Cluff, Mr. Lethbridge reported that consideration of the sight lines and view corridor for the Old Dome Meeting Hall was part of the City's visioning and discussions. A component of the Planning Commission's land use discussion was considering whether all four sides of the buildings and project landscaping were architecturally presentable. If the Commission determined that Building 3 interfered with sight lines and believed certain enhancements or changes would better preserve the view, that could be part of their recommendation.

Commissioner Beck asked if the City had considered building a new skate park in a different location. Mr. Lethbridge stated that the skate park's condition and location had been discussed and the Council would need to make a decision about its future irrespective of the current application.

In response to a question from Commissioner Rushton, Mr. Carter confirmed that rezoning was subject to legislative review as part of the Development Agreement and the Site Plan was an administrative decision, but the Planning Commission could make a recommendation on any special designations related to either item.

The Applicant, Scott Yermish stated that Newman Construction met with Staff regularly to discuss both the project's architectural elements and proposed uses. His company purchased the property after negotiations between Riverton and the previous owner fell through. They then approached the City about the possible commercial development and proposed uses. The City Council indicated that they would like to encourage more restaurants in the area, and as a result the proposed development was designed more for restaurants than retail uses. Patios were included for patrons to enjoy a view of the park while dining. One tenant would be an out-of-state donut chain that offers both drive-through and onsite dining. They were in talks with several other restaurant chains, and it was their intention to have both casual, seated restaurants and other types of food facilities in the development.

Mr. Yermish reported that the proposed architectural design was the result of seven months of collaboration with City Staff and included elements of the Old Dome, gazebo, and other aspects of the City park. The skate park was located on a hill that would be leveled for construction. Building 3 would be a maximum of 20 feet tall, approximately eight feet higher than the skate park, and would not block views of the Old Dome. All C-G zoning requirements for setbacks and parking had been met or exceeded.

Mr. Yermish stated that he was not present to discuss the disposition of the skate park, as that decision would be made by the Mayor and City Council. He was there to discuss the Site Plan. If Newman Construction could not purchase the skate park property, they would modify their plans as necessary. He was tasked with designing a development that would bring restaurants and related retail to the City and match the Old Dome Meeting Hall's architecture. He believed the proposed development looked considerably better than the current unkempt land and would bring revenue into the growing City.

In response to a question raised by Chair Park, Mr. Yermish stated that Newman Construction is expanding to commercial projects, including one at 13400 South and Redwood Road and a potential joint project at 12600 South and 1300 West.

Chair Park asked if any of the businesses they were speaking with would require a liquor license. Mr. Yermish stated that a restaurant that serves liquor can only be located in the eastern building due to zone restrictions. They had spoken with both Mr. Carter and other City Staff regarding the matter, and they were not marketing to that type of restaurant. Chair Park stated that a restaurant with a liquor license would require additional fencing, which would contradict a stated goal of easy access to the park. Mr. Yermish clarified that a restaurant that serves alcohol could not open in the building with a patio that faces the park. The far eastern building would also have a patio and would meet zone requirements for a liquor license as it would meet all fencing and access requirements. There would be direct walking access between the south side of the project and north side of the park. Project Architect, Josh Garrow, from Ensign Engineering added that park access would be near the Building 1 patio and adjacent sidewalk via the existing pedestrian ramp.

In response to a follow-up question, Mr. Carter confirmed that there was sufficient distance between the park access and Building 3 to allow for a liquor license in that building. The distance was 200 feet as the crow flies and 300 feet via pedestrian pathways. The Utah Department of Alcoholic Beverage Control requires the distance to be verified prior to issuance of a liquor license. Chair Park expressed concern that the park would be further walled off to allow for the use. Mr. Carter stated that they typically measure from the front door of the establishment via pedestrian pathways, not across parking lots, and Staff believed that the distance was sufficient.

Chair Park stated that the west side of the far west building faces the entrance to the park, but that is the typical location for utility connections and other elements that are not visually appealing. Mr. Garrow stated that power lines would be buried and other services

would be in an architectural box that is easily accessible but looks like part of the building architecture.

Chair Park stated that it was not within the Planning Commission's authority to order sale of City property and asked if the Applicant was concerned that the disposition of the skate park had not yet been determined. Mr. Yermish stated that, if necessary, the project could be modified to fit on the 1.47 acres owned by Newman Construction. Mr. Carter stated that determining the developer's suitability, funding sources, etc. was the City Council's purview.

In response to a question raised by Commissioner Rushton, Mr. Yermish stated that recent projects included the Silos at Riverbend subdivision, Riverton Peaks townhomes, and River Oaks.

Commissioner Matheson asked if the project would be viable if they could not acquire the skate park property or if the Applicant would approach the property owner to the east about acquiring that parcel. Mr. Yermish stated that they had created a diagram to scale the project to the 1.47 acres they currently own. They had not approached anyone about purchasing additional property, and they understood that the entire process would need to be restarted if the project were rescaled or moved.

Chair Park opened the public hearing.

Mayor Trent Staggs stated that during his 12 years in office, he tried to work with property owners in historic downtown Riverton. A repeated comment was about the need to improve the frontage along 12600 South and include more sit-down restaurants in the area. The City conducted multiple market studies and surveys but had not been able to attract anything better than a carwash to the area. The main problem was that nobody wants to build retail next to a skate facility. The Applicant represented the first truly serious and qualified proposal he had seen in his 12 years.

The concept delivered what residents had been asking for year after year, which is quality sit-down restaurants in a high-visibility, family-friendly area that complements the City park and does not compete with it. There had been a lot of misinformation about the City-owned parcel at the park entrance, but it was not park space or within park boundaries. It was zoned RR-22, 0.5-acre residential, and had been part of the community redevelopment area for years. The project would allow the City to maintain operational control of the entrance, including monument signage and depth.

Mayor Staggs and the City Council were committed to parks and trails. The City has over 33 parks with 540 acres and 4,200 trees. Two new parks would be opening within the next two years. The Council was currently determining the amenities for the new parks, and a skate facility was being discussed. The current proposal represented an opportunity to replace the 20-year-old, unsafe, poorly located skate facility with something entirely new and better situated for the community.

The proposal aligns with the goals of the Community Reinvestment Area. Much like the project across from City Hall, it would replace an underutilized space with a neighborhood amenity and strengthen the economic base of the surrounding community. The projects were similar in that City property contributed to a project area. The appraised value of the property across from City Hall was hundreds of thousands of dollars less than the cost of making it developable, but it would generate an estimated \$200,000 each year in sales and property taxes. Similarly, the proposed project would replace an underutilized space with high-demand amenities that the City can control through the Development Agreement. The approximately \$80,000 in annual sales and property taxes it generated would return to residents in the form of public safety, street maintenance, parks, and City services.

Mayor Staggs stated that this was exactly the type of project residents had asked him for. He was speaking for the thousands of residents who were not present and asked that they be heard. The project would advance the City's economic development priorities, fit the character of the neighborhood, and finally bring value to a property that had sat idle for far too long. He asked the Planning Commission to support the application.

Russell Larsen reported that he and his neighbors had a few questions about the project. They were concerned about the setbacks and believed a car would run into the wall at some point. Three buildings with one entrance would also cause traffic issues, and it could already take 15 minutes to make a left turn from 1450 West onto 12600 South. The middle building only appeared to be 10 feet from the curb, and the property would include two drive-through restaurants that generate a lot of traffic. He asked if the buildings could be moved farther off the street and if the dumpsters would be located near the park. He believed the project had appeared overnight. He understood that the skate park needs work, but it should be rebuilt and divided so younger and older children could skate separately.

Connie Robbins is a resident of Bluffdale who owns property to the east of the proposed development. She was relieved to hear that the angled parking shown on the plans would be removed. She asked that the measurements shown on the plans be verified to match those supplied to UDOT. She also asked about the proposed egress onto her property, as well as the fencing size and material. She also asked if a liquor license would be issued if there was a daycare on her property.

Nikki Bown is a Riverton resident and knows that the project has been in development for a long time, and she was grateful that Newman Construction will involve developing the property. She understood that the skate park was not part of the park, but it was utilized by park patrons, and she did not believe the project should be approved as-is. She was happy to hear that there was an alternative plan that did not include the skate park because she did not believe that property should be included in the project.

John Scott watched as the City asked for millions of dollars from Salt Lake County to move the skate park. At that time, they told the county that there were no plans for the area. He had been in contact with the State Auditor regarding the matter. According to the record, Riverton City tried to transfer the property on September 16, 2025, but the transfer was stopped. The skate park was currently near the fire department and moving it would mean that it would take longer for emergency support. He did not believe the City was considering safety but rather how it could make the most money. He believed they were rushing to approve it during Mayor Staggs' term instead of taking the time to do it right, and the skate park should stay where it is. People would not be able to park on the property during fireworks, and they would be walking back and forth to the restaurants.

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

Commissioner Rushton asked Staff to address the questions that arose during the public hearing.

Mr. Lethbridge reported that the PO-OV allows for reduced setbacks and the buildings were set back sufficiently for safety. Additionally, space for the drive-through provided for additional setbacks beyond those required by the zone. The home to the east was zoned RR-22 and was therefore a noncompatible use, so masonry fencing would be required. The designated area for interconnectivity would not be completed unless the adjacent property was developed. The study area was adopted by the RDA Board in an April 2022 public meeting and included the skate park parcel, as well as existing residential areas that had the potential for tax-increment financing if redeveloped in the future.

Mr. Carter addressed Ms. Robbins' question regarding a potential daycare. If a restaurant with a liquor license predates a daycare, the daycare would be allowed to operate next door to the restaurant. If the daycare predates the restaurant, that could inhibit the restaurant's ability to obtain a liquor license.

With regard to statements made about the State Auditor and the City's actions, Mr. Carter reported that a report was received from the State Auditor confirming that all similar transactions were legal. There is a process by which the City can transfer its assets, including real property, to a redevelopment agency that can then use those assets to help redevelop projects that are otherwise undevelopable. City Staff and the RDA, in connection with Redevelopment Agency counsel, put together a legal pathway forward with the project across the street. Mr. Carter added that substantial taxpayer dollars were spent explaining the situation to the State Auditor and providing them with information that led to the clean bill of health that was received earlier that day.

Commissioner Cluff stated that when the Planning Commission reviews Site Plans, it typically considers concerns related to drive-throughs and stacking. However, Development Agreements preempt those conversations because the agreement is

approved before tenants are in place. She asked why a Development Agreement was required for this project. Mr. Carter stated that the Development Agreement included a Site Plan. In the past, developers had presented rezoning applications that were approved based on conceptual renderings, but what was built was entirely different. The proposed project required both RDA and City Council participation, and the Development Agreement would ensure a more reliable transaction.

Regarding stacking concerns, Mr. Lethbridge reported that the drive-thrus met minimum stacking requirements. If a tenant were proposed that they need double drive-thru lanes, for example, an amendment would be required.

Commissioner Cluff stated that the renderings in the 2018 Small Area Plan retained a grassy park entrance, which was an important characteristic for events like the fireworks show and looked nicer. She believed there should be a stipulation to maintain the dual entrance to the park rather than allowing development to extend to the edge of the property.

Chair Park asked if the rezoning approved with the Development Agreement would remain with the property if the project was not developed. Mr. Carter stated that remedies can be included in the agreement. If a developer files bankruptcy, the City's hope is that another developer will take on the debt and finish the project. If the Development Agreement specifies that the zoning will revert in the event of bankruptcy, a future developer would have to go through the entire process again. For this reason, other remedies are typically outlined in the contract, including the right to specific performance or the right to take over the project. The City Council would retain its ability to reconsider zoning designations for the property in the future, and Development Agreements include an expiration date that is typically 15 years after the final building is completed.

Chair Park asked if the inaccuracy of the application was cause for concern. Mr. Carter stated that the clerical error on the application was not a concern. What mattered was whether Staff had taken the necessary steps to put the completed documents forth to the City Council for final approval. Applicants often present one thing for approval, for example rezoning to RM-8, but after reviewing the final approval is for RM-4. Many things can change from the original one-page application to the final approved product; the process is what matters. In this case, the most important element was to hold the necessary hearings and ensure that all property owners within a certain distance of the project were properly noticed.

Chair Park stated that the Applicant provided draft language for the Development Agreement. Had they not done so, there may have been cause for concern. The Planning Commission's focus has been on the items specified in the draft agreement that was under review by Mr. Carter.

Regarding the Site Plan, Chair Park noted that no locations were designated for dumpsters. Mr. Garrow stated an enclosed dumpster area would be in southwest corner

of the northeast building parking area. The enclosure would have the same color, pattern, etc. as the building and would be of sufficient size to accommodate tenants of all three building. Chair Park stated that these elements were typically included on Site Plans, and the incomplete plan made it difficult for the Commission to envision how the development would work for the City and its residents. Mr. Lethbridge stated that removal of the angled parking area would provide additional space.

Commissioner Cannon stated that he had worked with Mr. Garrow for a number of years. In response to his question, Mr. Garrow stated that he was not an architect.

Commissioner Cluff noted that Mayor Staggs indicated the monument signage would be maintained, but that was shown on the renderings. Mr. Lethbridge confirmed that the signage would be maintained. The renderings were submitted by a licensed architect who is part of the Applicant's team. The entry signage and associated landscaping on both sides of the road would be preserved and maintained.

Commissioner Cluff reported that the Planning Commission was being asked to approve the item based on trusting a Development Agreement that they had not reviewed and renderings that were not accurate. She asked how much deviation from the concept renderings would be allowed before an amendment was required. Mr. Lethbridge stated that the final Site Plan must be substantially in compliance regarding things like height and massing, and Staff would err on the side of caution in either requiring compliance or that an amendment be brought back to the Planning Commission. Condition of Approval 6 indicated that the final plans would be subject to administrative approval. However, the Commission could recommend that they review the final Site Plan for compliance with the Development Agreement.

In response to a follow-up question raised by Commissioner Cluff, Mr. Lethbridge explained that the Planning Commission could make a general recommendation that the westernmost building be modified or relocated to increase the view corridor or be specific and recommend that it be set back 60 feet from the property line, for example.

Commissioner Cluff would be more comfortable approving the Development Agreement if the actual text was available. Commissioner Rushton reminded the Planning Commission that they did not review anything broader than what had been presented on this item when the development across the street was approved. However, he believed that it would be reasonable to request final review.

As a long-time City resident, Commissioner Rushton was shocked that the subject parcels were still zoned RR-22. The park was developed 15 years ago, and the City updates its Master Plan on a regular basis. The parcels should have been rezoned C-G as part of the widening of 12600 South, and the parcels at the park entrance should have been rezoned as open space decades ago. Other parks, including the future park south of Mountain View Village, extend to a major roadway.

Mr. Lethbridge reported that the parcels were not rezoned because the General Plan had designated the frontage along 12600 South for future commercial use. It was not rezoned P-OS because it can be problematic to rezone open space, and it was not rezoned commercial because that would allow the property to be developed under that zoning without additional oversight. Retaining the RR-22 zoning was a conscious decision to address commercial zoning in a deliberate manner and ensure cohesive development.

Commissioner Rushton did not understand why the entrance to the park was not rezoned P-OS when no other City park had this type of nonconforming space. Mr. Lethbridge indicated that the wisdom of the decision was debatable, but it was a conscious decision and not an oversight. The City recognized the issue when the skate park was originally developed and the main park was renovated, and the elected officials at the time made a conscious decision to retain the existing zone. Commissioner Rushton stated that it was a clear inconsistency that the skate park parcels were not rezoned P-OS. Chair Park agreed with Commissioner Rushton as there was a perception that the parcels on either side of 1450 West were part of the park.

Commissioner Matheson stated that the subject property was currently an undeveloped, ugly piece of land, and he would love to have restaurants there. However, the Old Dome had become the symbol of the City. He visited the site and the vacant lot to one side and skate park to the other framed the Old Dome. He then visualized the proposed development, which would block a portion of the view. When he and his wife built their house, the architect recommended cost-saving measures that would have altered its appearance, and he is thankful every day for spending the extra thousands of dollars to build an architecturally beautiful home. Proposed Building 1 may be beautiful and contain a nice restaurant, but it would detract from the City's beauty. He asked if it was possible to either scale the project down or perhaps purchase the property to the east. Riverton could then rezone the parcels on either side of the entrance to the Old Dome as P-OS so the view would remain unaffected. He was not in favor of the proposal as presented and recommend that the matter either be denied or tabled.

In response to a question from Chair Park, Mr. Lethbridge reported that the setback from Building 1 to 1450 West was 30 feet. The skate park setback was approximately 35 feet from the edge of the skate park to the back of the sidewalk and approximately 45 to 50 feet to the edge of the pavement. Chair Park noted that proposed Building 1 was 15 to 20 feet closer to 1450 West.

An aerial image of the skate park was compared to the conceptual Site Plan. Chair Park had spoken with many Riverton residents over the past few months and approximately 80% of them asked about the skate park. Redevelopment of the park was very controversial, but it had turned into the City's crown jewel that attracts both residents and visitors. He was concerned that the proposed development would disturb the aesthetic of the park entrance and detract from the feel of both the park and the City. While the item met the notification criteria set in statute, he found it abhorrent that only people within

1,000 feet of the property were notified as he believed that all residents should have been notified and an open house meeting should have been held.

Mr. Lethbridge explained that the City cannot artificially increase the noticing area as it is set by City Code. However, the Planning Commission could recommend that the City Council consider holding an open house or utilizing other methods to increase public input. Chair Park stated that it is the communications director's job to take the necessary steps to inform the community and seek its input.

Chair Park indicated that the Planning Commission could recommend denial, but the City Council could then override that recommendation like they did with the auto dealership. They could recommend approval as-is or with further stipulations or table the item until the City takes action on the skate park property. He believed the item was presented prematurely as the land use authority had not yet made that decision. To Commissioner Rushton's point, citizens believe that the parcels are protected as open space. He was both surprised and unsurprised that more people were not present because they did not receive notice and the City had not communicated with residents about the project.

Commissioner Rushton stated that the goal of the CRA is to encourage development on the east side of Riverton. The Development Agreement included City property, and the City Council as the CRA Board had been involved in the process. He believed the Planning Commission should recommend approval with added considerations. The entrance to the park, including the skate park parcels, should be open space consistent with every other City park. The CRA could then consider other ways to develop the Applicant's property or possibly offer incentives to expand to the east. The parties had been working on the project for quite some time, and he believed citizens also deserved action on the item. He agreed with Chair Park that the City should communicate with residents and hold an open house to ensure that they know about the plan. If done correctly, the project would bring good businesses to the east side of Riverton.

Commissioner Cluff agreed with Commissioners Matheson and Rushton. However, if the skate park parcels were zoned P-OS, the entire Site Plan would change. She asked about the best way to move forward to ensure that the Planning Commission could review the revised Site Plan. She believed that at minimum the parcels closest to 1450 West should remain City-owned open space. Mr. Lethbridge stated that the motion could recommend requiring that the Planning Commission approve the final Site Plan. If the City Council agreed with the recommendation to reduce the size of the development and reconfigure the Site Plan, the Planning Commission would have final technical Site Plan approval. In response to a follow-up question, Mr. Lethbridge reported that typically applications are not denied with conditions. Mr. Carter noted that the reasons for a negative recommendation could be stated for the record.

Chair Park asked if the parcel that abuts 1450 West would be sufficient open space. The aerial image was displayed and it was noted that both parcels were required to maintain the entrance's symmetry.

Commissioner Rushton moved that the Planning Commission recommend APPROVAL of the Development Agreement for the Newman Construction Commercial Project located at 1450 West 12600 South, subject to the following:

Conditions:

1. The Pedestrian Oriented Overlay (PO-OV) shall be applied to the privately owned acreage, with the resulting zoning as C-G/PO-OV.
2. Access to 12600 South shall be as permitted by UDOT, with no access to 1450 West or the adjacent City property to the south.
3. Minimum setbacks for structures and parking areas/drive aisles shall be as shown on the included Site Plan.
4. Buildings shall be limited to a single story, with architecture and exterior materials as shown in the included architectural drawings. Landscaping shall be compliant with the included tabulations.
5. All building facades will include architectural elements consistent with those shown in the included architectural drawings. Mechanical equipment will be screened in accordance with Riverton City Ordinance.
6. Site layout and engineering shall be subject to final review and 'redlines', and the Final Site Plan shall be approved by the Planning Commission prior to insertion into the agreement.
7. Development shall be in compliance with the approved Development Agreement, and with all applicable Riverton City Standards and Ordinances.
8. It is recommended that the City-owned parcels on both sides of the entrance be rezoned from RR-22 to P-OS consistent with the entirety of the park.
9. The City Council should review options for using CRA powers to expand the project to the east.
10. An Open House meeting shall be held between the Planning Commission and City Council meetings.

Commissioner Matheson seconded the motion. Vote on Motion: Commissioner Matheson-Aye, Commissioner Beck – Aye, Commissioner Rushton – Aye, Chair

Park – Aye, Commissioner Cluff – Aye, Commissioner Keele – Aye, Commissioner Cannon – Abstained. The motion passed 6-to-1 with 1 abstention.

B. 'MYERS PARK AMENDED,' PLZ-25-1008, AN APPLICATION TO AMEND A PREVIOUSLY APPROVED RESIDENTIAL SUBDIVISION BY COMBINING LOTS 112 AND 113 OF MYERS PARK SUBDIVISION INTO A SINGLE LOT. THE PROPERTY IS LOCATED AT 11735 SOUTH MYERS PARK LANE. APPLICANT - RACHEL OPFAR, SAGE HOMES

City Planner, Tim Prestwich, presented the Staff Report and stated that the subject property is located in the north end of Riverton. Myers Park Phase 1 was developed approximately three years prior. The subdivision was zoned R-3 and included a private lane. Three houses had been constructed in the development. The owner of the subject property hoped to expand their lot to the north. The Subdivision Plat was reviewed, and Mr. Prestwich reported that the amended plat would meet all zoning requirements. Staff recommended approval.

Chair Park asked if there was a concern about continuity of the neighborhood. Mr. Prestwich stated that any property owner could make the same request. In response to a follow-up question, he indicated that three homes were completed but more were under construction.

The Applicant, Rachel Opfar from Sage Homes stated that the homeowner wished to expand their property to add a pickleball court and pool. In response to a question raised by Commissioner Matheson, Ms. Opfar stated that she believed the property owner would only pay property taxes on one lot, not two.

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

Commissioner Cluff moved that the Planning Commission APPROVE Application PLZ-25-1008, "Myers Park Amended Subdivision," subject to the following:

Conditions:

- 1. Subdivision Amendment lot and layout shall be consistent with the plans presented to the Planning Commission except where otherwise noted.**
- 2. Final Amended Plat must be recorded with Salt Lake County.**

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

C. 'JIFFY LUBE AMENDED SITE PLAN,' PLZ-25-8018, AN APPLICATION TO AMEND THE EXISTING COMMERCIAL SITE PLAN AT 1625 WEST 12600 SOUTH BY MODIFYING THE PREVIOUSLY APPROVED EXTERIOR COLORS. APPLICANT - COLBY UMPHREY

Mr. Lethbridge presented the Staff Report and presented photographs of the approved Jiffy Lube building with tan trim and the building's present condition with black trim. Staff was made aware that the owner was painting the trim and corner treatments and a stop work order was issued. The owner then submitted an application for the change. Mr. Lethbridge reported that the application complied with all architectural requirements and Staff recommended approval. However, if denied, the Applicant indicated that they would repaint the trim in the approved color.

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

Commissioner Matheson moved that the Planning Commission APPROVE Application PLZ-25-8018, "Jiffy Lube Retail Façade Upgrade," amending the Site Plan of the existing commercial buildings located at 1625 West 12600 South, subject to the following:

Condition:

- 1. Building materials and color will match the submitted information as shown and approved by the Planning Commission.**

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

3. DECISION ITEMS

- A. NONE.**

4. DISCUSSION ITEMS

- A. NONE.**

5. MINUTES

- A. NONE.**

6. ADJOURNMENT

The meeting adjourned at approximately 9:28 PM.