

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
November 14, 2019**

The Riverton City Planning Commission convened at 6:30 p.m. in the Riverton City Municipal Building, 12830 1700 West, Riverton Utah.

Planning Commission Members:

Brian Russell, Chair
Dennis Hansen
Kent Hartley
Ed James
Troy Rushton

Staff:

Jason Lethbridge, Dev. Services Dir.
Craig Bott, City Attorney
Tim Prestwich
Brian Moore, Assistant City Engineer

Chair Brian Russell called the meeting to order. Commissioner Hansen led the Pledge of Allegiance.

• **PUBLIC HEARINGS**

1. **CONDITIONAL USE**, DAVID MADSEN AND BRIAN EBERT ARE REQUESTING A CONDITIONAL USE PERMIT FOR A PRIVATE LANE PROPOSED AT 1546 WEST 11745 SOUTH.

City Attorney, Craig Bott, reported that the information provided by staff is used by the Commission as part of the decision-making process and should be included as part of the public hearing. He recommended the public hearing be conducted prior to the staff report being presented. By doing so, it is on the public record and can be considered part of the findings of fact and conclusions of law.

Chair Russell opened the public hearing.

Development Service Director, Jason Lethbridge, presented the staff report and stated that the request is for the Nieveen Court private lane located off of Redwood Road in the northern portion of the City. The surrounding zoning is RR-22. The subject properties abut the canal on the east side and are at the end of a long public street. There are two parcels, one of which has a home on it. The other has an unattached shed. The applicants are requesting permission to construct a private lane to service up to four homes that may be built in the future. The acreage for the RR-22 zoning area will only allow up to four homes. The applicant may choose to construct fewer than that. All homes built adjacent to the private lane must be to City standards.

The subject properties were approved for a private lane in January 2017 following a significant amount of public comment. There was no subsequent subdivision application and the conditional use expired. It was noted that the lane configuration has changed slightly since January 2017. The City ordinance encourages public streets but recognizes that in all instances a public street is not desirable. The determination of whether a street is public or

private rests with the Planning Commission as a Conditional Use Permit. The criterion for evaluating a Conditional Use Permit for a private lane are as follows:

1. A lot of record that is pre-existing and has no frontage or adequate property to construct a public street. That does not apply in this case as both existing lots have frontage on a public street.
2. It can be demonstrated by the applicant that the property cannot be physically subdivided with public streets either now or in the foreseeable future.
3. The development does not impede the necessary access from adjoining properties as required by the Master Transportation Plan.

Mr. Lethbridge explained that the street is a dead end with no connection north or south. To the north is Midas Creek where there is a vacant property to the north, however, there are no plans on the Master Transportation Plan to extend the road to the north.

If the applicant were to pursue a public street it would take up so much ground that the subdivision would not be viable. As a result, it could be argued that Criterion 2 and 3 could apply. A conceptual professional layout was shown with a hammerhead turnaround. If approved, fire, engineering, and planning staff would need to review the request for compliance with City standards and the Fire Code. The matter would then come back for subdivision and a public hearing if approved.

Mr. Lethbridge reported that tonight's public hearing was properly noticed and no written comments or feedback was received by staff.

Chair Russell opened the public hearing.

Dave Stallworth, a 11745 South resident, did not object to the proposal, the volume of traffic on the street has increased significantly. The neighbors have asked motorists to slow down but they continue to speed. Mr. Stallworth asked that speed bumps be installed but his requests have been denied. He has contacted law enforcement but there has been no follow-through. If approved, Mr. Stallworth requested that speed bumps be installed.

Brian Ebert identified himself as one of the applicants and was present to answer questions.

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

Commissioner Hansen asked about the sample conditions and if the existing home is one of the four to be allowed access to the private lane. Director Lethbridge confirmed that it was.

Commissioner James asked who makes decisions regarding the installation of speed bumps. Assistant City Engineer, Brian Moore stated that it was his understanding that the Public Works Department is not actively removing speed bumps but is also not constructing new ones.

In response to a question raised by Commissioner Rushton, Mr. Lethbridge confirmed that the four lots on the proposed private lane would have animal rights.

Commissioner Rushton asked about the location of the South Jordan City border to the north. Mr. Lethbridge stated that it is north of Midas Creek.

Commissioner Hansen moved to approve Application Number PLZ 19-2042 Nieveen Court Private Lane, to be located at 2090 West 13520 South subject to the following conditions:

- 1. A maximum of four (4) lots to be accessed by a private lane connecting to 11745 South Street.**
- 2. The private lane shall follow rules for private lanes in the RR-22 zone as listed in RCC 18.25.070.**
- 3. The private lane shall be paved in either asphalt or concrete according to the standards of the Unified Fire Authority and Riverton City Engineering Division.**
- 4. Storm drainage systems and installation shall comply with Engineering Department requirements and standards.**
- 5. The applicant shall obtain subdivision approval prior to any construction commencing on the private lane.**
- 6. This conditional use shall expire if a subdivision application is not made for the subject properties before November 14, 2020.**

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

- 2. REZONE, RYAN MCDUGAL IS REQUESTING A REZONE OF ABOUT 3.18 ACRES LOCATED AT APPROXIMATELY 13027 SOUTH REDWOOD ROAD. THE CURRENT ZONE IS RR-22 AND THE REQUESTED ZONE RM-6-SD.**

Mr. Lethbridge presented the staff report and stated that the request is for a proposed rezone of property. The request was before the Planning Commission earlier in the year. At the conclusion of the rezone process, the Council moved to consider a moratorium on rezones due to the ongoing General Plan process. The action was closely scrutinized by the City's Legal Department and currently, there is no moratorium or other legal barriers to the submittal of an application for rezone.

The City is in the middle of an update to the General Plan. It was anticipated to have been completed by now but more was involved than expected such as the Moderate-Income Housing Plan, which has been adopted and is in the final editing stage. State law is supposed to inform and drive decisions made regarding the General Plan. For this reason,

the process has taken longer than anticipated. The applicant was aware that this may have an impact on the decision.

Mr. Lethbridge reported that there are four properties associated with the proposed rezone, three of which are owned by the applicant. He commented that it is an unfortunate parcel of property that UDOT left after the road was widened. Previously, the partnership property was not included when the applicant was last before the Commission. It has since been added. The current zoning of the property is RR-22, which is a one-half acre single-family designation with animal rights. Across the street is mostly RR-22 as well, with the exception of a single property in CPO, which is a historic home that is being renovated. Farther down Redwood Road is commercial.

The General Plan designation for the property is Estate Density Residential, which is one-half acre minimum. This is consistent on the east side of Redwood Road with the exception of the City Cemetery or golf course. The proposed zoning for the property is RM6-SD, which is a multi-family six unit per acre zone including a Development Agreement that allows the City to put additional restrictions or conditions on development. This would run with the land and is binding on the property regardless of who owns it.

The original application included 11 single-family homes. There are now 12 with the additional property on the amended application. The applicant wants a variance for the fencing requirement and would like the existing fencing to remain. Language in the ordinance allows the fencing to remain but it is not part of the actual application. The proposed limitation is for the property to be developed as detached single-family units only with a maximum of 12 lots. The lots adjacent to Redwood Road shall comply with the RM-6 zoning requirements and all other lots shall comply with the minimum development standards found in the R-4 zone, including dimensions and setbacks.

The proposed conditions were based on the conceptual plan prepared by the applicant. The Commission was not approving any particular layout tonight. The drawing was included to illustrate the applicant's basis for the proposed conditions. Mr. Lethbridge explained that proposed SV designation limits the project to a maximum of 12 lots. It specifies that the lots adjacent to Redwood Road are allowed to comply with the RM-6 zone, which includes smaller lot sizes that are a minimum of 5,000 square feet. All other lots in the development shall comply with the standards for the R-4 zone, which requires a minimum of 10,000 square feet.

Mr. Lethbridge reported that the zoning will remain as RM-6 but the limitations would be in place. The drawing illustrated one possible way the development could be laid out. The main restriction would be that the lots adjacent to Redwood Road could be a minimum 5,000 square feet but the remaining lots would have to be a minimum of 10,000 square feet. He explained that that is important since one of the questions that have come up repeatedly pertains to access to the roadway. This application is not subject to full City review at this time, but access management may not comply with City standards or access management standards. If a rezone was approved with the conditions in place, 12 lots may not be achievable on the property. It was mentioned that UDOT may have already denied an additional access point from Redwood Road to the property. Mr. Lethbridge explained that

access will be an issue regardless of how the property is developed. The drawing does not make a final determination on any of the access points.

Chair Russell reported that the Commission received the petition, the signature sheets, and letters.

Chair Russell opened the public hearing.

Claude Wells reported that he lives east of the proposed development. While there may not be a legal issue, there is a public trust issue. About three months ago, the public was present to hear what was to happen with Redwood Road. At that time, citizens were able to weigh in using their cell phones on what they would like to see in terms of development on Redwood Road. Mr. Wells pointed out that while it went well, there was a limited number of people present. They were told at that time that it was successful but that they would give the public the opportunity to participate and send out notices. They were also told that the General Plan would be finished, but it was not. Mr. Wells did not feel the City has met its obligation by approving the application before the General Plan is completed.

Mr. Wells explained that there are 65 homes in the neighborhood, 35 of which are within two blocks of the proposed development. He pointed out that of the 12 lots, none meets the current Code. The residents met with the developer and his only interest was letting the residents know that he had closed on the property. He would not discuss any other concerns or the plan with the residents. Mr. Wells did not feel that the profitability of one developer should outweigh the potential devaluation of property for 35 to 60 people.

Lee Brown reported that a few weeks earlier, he met with Mr. McDougal in an effort to resolve the matter. Personally, Mr. Brown preferred to see the property remain zoned RR-22. He noted that this is one of the few parcels on Redwood Road that is large enough to maintain the current zone and he saw no reason for it to be diminished. When he met with Mr. McDougal, there was a lot of discussion. Mr. McDougal stated on three separate occasions that if they do not accept the exact plat, he will wait five years and bring in another project that will be even more objectionable. Mr. McDougal is a developer who does not have ties to the community and only wants to make a profit. Because of this, the citizens were vehemently opposed.

Blaine Withers commented on green space and stated that in England in 1840 a green area was established around London to prevent the loss of rural areas around the city. On his taxes, his property is designated as greenbelt and urban farming. He felt that enough of that type of property has been lost in the community. Mr. Withers implored the Commission to reject the application and maintain the zoning as RR-22.

Dan Vettters stated that his biggest concern was that when the matter was last addressed, there was discussion with the Commission and then the City Council. They ended up with a decision that may not have been legal, but the spirit of the decision was that there was a dependency on knowing the full plan before making a decision. The residents were present and have spoken. Mr. Vettters implored the Commission to look at this application from the perspective of previous decisions.

Allison Grow circulated the petition regarding the proposal and commented that this decision will set a precedent for the rest of the area. The citizens want to preserve the rural feel of the area. She recognized that traffic will also significantly increase if the development is approved. The developer believes there is no demand for one-half acre lots, which was why the property needs to be rezoned. The developer has used the development south of the property as an example of one-half acre lots not selling. She conducted research and found that three homes on one-half acre lots that have sold in the last five months.

Doug Larsen reported that he owns property north of the proposed development. The parcel can be divided into six one-half-acre lots ranging in price from \$225,000 to \$250,000, which is more than many area residents can afford. For this reason, residents in the neighborhood were opposed to the development.

Gaylen Mills, a neighborhood resident, was concerned that access to the property is very close to Redwood Road. In addition, he did not see significant turnaround areas for emergency vehicles or garbage trucks.

Gary DeRose owns two parcels that are adjacent to the proposed development. Originally, there were five homes/lots on the subject property. If the applicant were allowed to develop six lots with one-half acre zoning, he would still gain more lots than were there previously. He heard that the applicant wants to leave the existing fencing and pursue higher density but indicated that there is still active horse property adjacent to the lot. He commented that the fencing is also inconsistent and in disrepair. If approved, Mr. DeRose asked that six-foot masonry fencing be required all the way around.

Al Buhler reported that he lives directly across the street from the subject property. He purchased his property because of the one-half acre lots. For the developer to construct tiny homes there now was disconcerting. Mr. Buhler was also concerned about traffic. He commented that what is proposed does not fit the area.

The developer, Ryan McDougal thanked the public for coming out and stated that his comments were taken out of context. He explained that important factors need to be taken into consideration. First, when Redwood Road was expanded, remnants remained. Redwood Road is now a major transportation corridor, which was not the case when the original one-half acre lots were developed. They are not proposing to develop apartments, high rise buildings, or townhomes and would like to build large single-family homes next to the existing homes. Smaller homes will be used as a buffer next to Redwood Road. Mr. McDougal felt it was an optimal plan to address the noise and congestion that already exists. There needs to be some perspective for how large the lots are, how much they will cost, and how nice the subdivision will be.

One of Mr. McDougal's major interests in the property is to build a home for himself. His brothers live nearby and he would like to move closer to family. The homes will not be small and prices will start at around \$400,000. What is proposed will be a nice transition from Redwood Road to the larger homes. Mr. McDougal stated that he has not threatened the residents and apologized for coming across that way.

There were no further public comments. Chair Russell closed the public hearing.

Procedural issues were discussed.

Commissioner Hansen liked the approach the developer has taken on the layout of the property in terms of building larger homes in the back and smaller houses in front. He did not think this was the right place for the proposed development. He reported that his best friend used to live in the home that is now owned by the developer's brother and it was his understanding that the home is now listed on Airbnb and is used as an investment property.

Commissioner James was concerned that making a decision now without finalizing the outstanding issues may result in a poor outcome. Redwood Road will be a key gateway to Riverton and should be addressed properly. The issue of economics was not a factor in the decision-making. The study of the land use development was nearing its end. The proposal for pocket zoning may or may not lead the community in the right direction.

Commissioner Rushton commented that as a lifelong resident he supports the project. He commented that Riverton has struggled with the consequences of widening Redwood Road. Because there was not a plan, there is now piecemeal commercial development and vacant lots. He stressed the need for a plan and stated that this is the kind of plan that makes sense with the alternative being strip malls. With respect to access, the proposed project does not go past any existing homes. The project is appropriate but the timing was of concern. He suggested that the City first work through the master plan.

Commissioner James remarked there has been a lot of discussion regarding the southeast quadrant of the City and its unique character. It represents the historic direction of what Riverton once was. In the General Plan, the value of maintaining that needs to be addressed. If they continue to chip away at that character, it will disappear.

Commissioner James moved to recommend DENIAL of Application PLZ-19-400 rezoning properties located at 13027 South Redwood Road, thus keeping the properties zoned RR-22 based on the following:

Findings of Fact:

- 1. There is master planning in effect in the City that will determine the long-term future of the area.**
- 2. It will possibly have a negative in the future on the character of the southeast quadrant of Riverton east of Redwood Road.**

Commissioner Hansen seconded the motion. Vote on motion: Chair Russell-Aye, Commissioner James-Aye, Commissioner Hansen-Aye, Commissioner Hartley-Aye, Commissioner Rushton-Nay. The motion passed 4-to-1.

DECISION ITEMS

- 3. COMMERCIAL SUBDIVISION (CONDOMINIUM CONVERSION), CHARLES INGRAM IS REQUESTING APPROVAL OF A CONDOMINIUM CONVERSION OF AN EXISTING COMMERCIAL BUILDING AT 13458 SOUTH MONARCH MEADOWS PARKWAY.**

Mr. Lethbridge presented the staff report and stated that the property is located in the Monarch Meadows commercial area. There was a vacant lot for quite some time off of Monarch Meadows Parkway that the City approved a site plan for. It was stressed that the use is not being modified. The building currently houses a medical office but the space is being divided into separate ownership. Staff recommended approval subject to the conditions set forth in the staff report.

Commissioner Hansen moved to approve Application #PLZ 19-8009 Monarch Office Condominium Conversion subject to the following:

Conditions:

- 1. The plat does not alter the existing overall lot size or dimensions.**
- 2. Declarations or other instruments shall be recorded with the plat to establish or identify the responsible party for the Long-Term Storm Water Management Plan.**
- 3. The site and building shall be serviced by one culinary and one secondary water connection.**

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

4. MINUTES

a. AUGUST 22, 2019

Commissioner James moved to approve the minutes from August 22, 2019, on the condition that staff review the tape and insert the names of those who made motions. Commissioner Rushton seconded the motion. The motion passed with the unanimous consent of the Commission.

b. OCTOBER 10, 2019

Commissioner Hansen moved to approve the minutes from October 10, 2019. Commissioner Rushton seconded the motion. The motion passed with the unanimous consent of the Commission.

c. OCTOBER 24, 2019

Commissioner James moved to approve the minutes from October 24, 2019. Commissioner Hansen seconded the motion. The motion passed with the unanimous consent of the Commission.

5. ADJOURNMENT

The meeting adjourned at approximately 7:43 p.m.