

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
May 14, 2020**

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

Planning Commission Members:

Gary Cannon, Chair
Brian Russell
Dennis Hansen
Kent Hartley
Grant Lefgren
Ed James
Troy Rushton

Staff:

Jason Lethbridge, Development Services Director
Craig Bott, City Attorney
Brian Moore, City Engineer

Chair Gary Cannon called the meeting to order. Commissioner Lefgren led the Pledge of Allegiance.

Due to restrictions relative to COVID-19, the meeting was not open for public attendance. Audio and video of the meeting were broadcast live. Chair Cannon described the purpose of the Planning Commission Meeting amidst the current COVID-19 restrictions.

• **PUBLIC HEARINGS**

1. **MINOR SUBDIVISION, BRANDON WIXOM IS REQUESTING APPROVAL OF SUNDAY DRIVE SUBDIVISION, A 3-LOT RESIDENTIAL SUBDIVISION LOCATED AT 12939 SOUTH SUNDAY DRIVE.**

Development Services Director, Jason Lethbridge, presented the staff report and reviewed the zoning history of the property. The property was identified on a map displayed. Mr. Lethbridge explained that the proposed subdivision creates a lot with the other two lots wrapped around it. It is designed so that each lot can meet the 14,000 square-foot minimum requirement. Although this is unusual, the proposal was determined to comply within the minimum zone standards.

Lot 103 will be accessed by a private lane and the distance between the property boundary and the garage meets all minimum requirements. An easement will be in place that will allow access from Sunday Drive to the garage area and is only for the private lane. There are no restrictions with respect to how Lots 101 and 102 deal with the property line.

Mr. Lethbridge reviewed the conditions proposed for the approval of the application. A significant amount of public comment was generated for this application that was forwarded to the Commission Members.

Commissioner James expressed concern with the nine-foot strip on the side of the property and feels this will create issues in the future. He asked if alternative layouts have been received from

the applicant or the engineer. Mr. Lethbridge reported that the applicant previously made efforts to arrange this section of land to comply with the City's requirements more readily.

City Engineer, Brian Moore reported that there are retention basins on the north and south of the property.

Commissioner James commented that placing the retention pond on Lot 103 would be easier than putting it into two lots with two different owners. Mr. Lethbridge stated that the applicant arranged the lots to meet the 14,000 square-foot minimum lot size.

In response to a question raised, Mr. Lethbridge explained that the ordinance does not require a private lane to cross property lines.

Chair Cannon asked if the developer currently owns the lots and why Lots 101 and 102 do not have access to the private lane. He suggested shifting Lot 103 to the south. Mr. Lethbridge reviewed the requirements for lane access and stated that currently, the lane has been sized to allow only Lot 103 to have access; however, the lane could be widened to allow all three lots to have access. In response to a question raised, Mr. Lethbridge explained that Lots 101 and 102 could request approval for the private lane use in the future.

Commissioner Lefgren asked about the setback requirement for a private lane pertaining to a resident and a structure. Mr. Lethbridge reviewed the ordinance and stated that there is not a separation requirement from the edge of the lane. Commissioner Lefgren asked if utilities can be applied to the easement. Mr. Lethbridge confirmed that they can and that this is a typical use of the private lane.

The applicant, Brandon Wixom, participated in the meeting via Zoom and reported that his company owns the lots. The intent was for the homes to be elevated and facing west and for the property to have the proper drainage. He was willing to conform to any requirements and stated that this was the purpose of hiring Engineer, Dale Bennett. The retention ponds were strategically placed to not interfere with construction on Lots 101 and 102. The intent was to build homes that are consistent with the area. Mr. Wixom reviewed the history of the property.

Commissioner James asked the applicant if the north retention area could be placed under one ownership. Mr. Wixom reported that it is possible, but only with City approval. Mr. Lethbridge reported that all retention ponds can be placed on one lot as long as each lot meets the minimum requirements. Mr. Bennett noted that it was possible to move the retention pond fully onto Lot 102.

City Attorney, Craig Bott, asked if the barn will lose structural integrity if the retention pond is flush against it. Mr. Bennett reported that placement of the pond against the barn is possible since the edge of the easement is at the high point of the retention pond and will not endanger the barn.

Riverton City's Long-Term Storm Water Management Plan was reviewed. A Geotech analysis was requested because of concern with the infiltration rate of the pond. It was noted that the retention rate has been closely monitored.

Commissioner James asked if the long-term agreements work. The City Engineer reported that there are good intentions behind the agreements; however, their effectiveness has yet to be determined. Mr. Lethbridge stated that the effectiveness of the agreements is to give the City better enforcement. In response to a question raised, Mr. Moore reported that the agreement is on all three subdivision lots.

Commissioner Rushton asked if there are current animal rights on the property and if they will be retained by Lot 103. Mr. Lethbridge reported that there are no animal rights on any of the lots.

Commissioner Rushton asked when Planning Commission Meetings will be open to the public. He did not feel that neighbors receive adequate representation with virtual meetings. Mr. Lethbridge responded that the Governor has relaxed restrictions to a yellow level as a result of COVID-19. It is anticipated that the Planning Commission Meeting scheduled for May 28, 2020, will allow for a limited number of attendees. The desire was to open the meetings to public attendance and comments as soon as possible.

Commissioner Hansen asked if the ordinance prevents the renting of the homes built on the subject property. Mr. Lethbridge reported that it does not.

Chair Cannon asked if the nine-foot strip of property was designed for economic reasons or for shared ownership of the retention pond. Mr. Bennett responded that the lots did not meet the minimum requirements until they were arranged this way. Chair Cannon asked if it is possible to give this portion of property to Lot 103. Mr. Lethbridge responded that because of the 14,000 square-foot minimum, it is not possible. The applicant, however, can apply for a variance, or follow the process for a rezone.

In response to a question raised, Mr. Lethbridge explained that the property owners are not allowed to place a fence along the property line because of the shared maintenance agreement and the fact that a fence in front of the retention pond will not excuse the owner from maintenance. Mr. Bennett reported that the retention ponds are two to three feet deep.

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

Commissioner James considered the proposal to be a contrived solution to create three lots and did not support the request.

Commissioner Lefgren did not support the current plan and state that the private lane needs to be addressed. He commented that the purpose of the Code is to enforce the liability of the lot and he did not approve of the applicant's manipulation of the property to fit the zoning.

Mr. Bott commented that the plan meets all requirements and cannot be denied because of appearance. In response to a question raised, Mr. Bott stated that the Commission can recommend changes to the ordinance. He reviewed how recommendations can be made.

Commissioner Russell moved to approve Application PLZ 20-1002, Sunday Drive Minor Subdivision, to be located at 12939 South Sunday Drive as shown on the accompanying plans subject to the following conditions:

- 1. Fix remaining Riverton City staff redline comments on the plans.**
- 2. Storm drainage systems and accommodations shall comply with Riverton City Standards and ordinances, and with the recommendations of the Riverton City Engineering Division.**
- 3. The Applicant shall complete a Long-Term Stormwater Management Plan or Storm Water Maintenance Plan according to Riverton City standards and ordinances.**
- 4. A Land Disturbance Permit must be issued by the City prior to any construction or grading on the site.**
- 5. The site and structures shall comply with any and all applicable Riverton City standards and ordinances, including the International Building and Fire Codes.**
- 6. The applicant must obtain final approval from utility providers.**
- 7. All lots shall meet City standards and ordinances including setbacks and lot coverage.**
- 8. The private lane shall provide access for Lot 103 only. The lane shall be a minimum of 20 feet of pavement width and a 20-foot minimum easement width.**
- 9. The developer shall install a six-foot solid vinyl fence along the north, east, and south property lines per City Ordinance 18.155.**
- 10. Private lanes and fencing improvements must be completed prior to the issuance of building permits for Lot 101 or 102.**
- 11. There shall be no fencing around north detention pond.**

The motion was seconded by Commissioner Hansen. Vote on motion: Chair Cannon-Aye; Commissioner Russell-Aye; Commissioner Hansen-Aye; Commissioner Hartley-

Aye; Commissioner Rushton-Aye; Commissioner James-Nay; Commissioner Lefgren-Nay. The motion passed 5-to-2

2. ZONE TEXT CHANGE, RIVERTON CITY IS PROPOSING AMENDMENTS TO CHAPTER 18.150 "SIGN REGULATION ORDINANCE" OF THE LAND USE CODE.

Mr. Lethbridge presented the staff report and classified the above matter as a housekeeping item that addresses minor changes to the sign ordinance in the PCC zone. He reviewed the amendments presented and requested approval of the proposed changes.

Chair Cannon opened the public hearing. There were no public comments. Chair Cannon closed the public hearing.

Commissioner James moved that the Planning Commission recommend approval of the amendments to Chapter 18.150 "Sign Regulation Ordinance", as shown on the attached exhibit. The motion was seconded by Commissioner Lefgren. The motion passed with the unanimous consent of the Commission.

3. GENERAL PLAN, RIVERTON CITY IS PROPOSING AMENDMENTS TO THE LAND USE ELEMENT OF THE GENERAL PLAN.

Mr. Lethbridge presented the staff report and stated that the above item was discussed during a City Council Work Session. The City Council discussed areas within their districts and gave specific direction for Land Use designations within the General Plan. This issue was noticed as a public hearing, however, given the impact and intent of the General Plan, approval from the Commission was not required. Mr. Lethbridge desired to provide an opportunity for the Commission to give feedback and for the public to comment.

Mr. Lethbridge identified the property located north of 12600 South and east of 1300 West. The current General Plan shows a preservation designation for this property that has current A-5 zoning. The City Council and the Council Member responsible for the area expressed the intent to keep the designated zone. For this property specifically, the Council suggested creating a new designation in the General Plan for agricultural preservation. The three parcels are designated as low-density residential with a one-third acre minimum lot size, consistent with the adjacent subdivisions. They have limited and private lane access.

Commissioner James asked if the new designation allows structures to be built on the parcels. Mr. Lethbridge confirmed that they will and reviewed the A-5 zoning requirements. Previously, the A-5 zone revision removed agricultural industrial uses. Animals are allowed but are limited in the area; however, any animal commercial use is prohibited.

Mr. Lethbridge reported that several amendments listed in the new designation are intended to bring the General Plan in line with the underlying zoning. The properties were displayed on a map showing potential locations.

In response to a question raised, Mr. Lethbridge reported that there is not a proposed change to the zoning on the east side of 11800 South, however, the matter was scheduled

to be discussed at the next City Council Meeting. As quickly as the Council approves a zone change, it is anticipated to be addressed with the General Plan designation.

Mr. Lethbridge next reported and reviewed the potential rezoning of several areas along Redwood Road.

Commissioner Rushton asked if the purpose of the historical zoning is to retain what currently exists in the area. Mr. Lethbridge stated that the intent is to maintain the architectural styles that currently exist. If adopted into the General Plan, the ordinance would address how the architectural styles would be applied.

Mr. Lethbridge next reported on the City Council's desire for a revision in the General Plan concerning elderly housing. He identified areas that are appropriate for elderly housing. Mr. Lethbridge reported that staff will propose amendments to the City's Elderly Housing Overlay to make it more applicable and include limitations and address concerns previously discussed. The General Plan will not determine densities or lot sizes. Mr. Lethbridge reviewed the Elderly Housing Overlay Ordinance.

Commissioner Rushton referred to the Calamar developer that asked for the removal of the senior designation on the back portion of the property. The developer saw a greater need to develop for non-senior residents. This may go against affordability standards by restricting it to a specific population. Mr. Lethbridge responded that it is important to be careful in the zoning created. Commissioner Rushton explained that the aging demographic will end over the next 15 to 20 years and asked if the City had observed the population curve. Mr. Rushton responded that the General Plan has a 3 to 5-year life cycle and it is difficult to plan beyond that. Following the adoption of the General Plan, the City will have the ability to amend it, if necessary.

Mr. Bott explained that once the areas are zoned for elderly housing, the CC&R's will prevent designation changes. Mr. Lethbridge stated that if there are amendments they will apply only to undeveloped land.

Mr. Lethbridge reported that few properties are being considered for the Elderly Housing rezone and residents tend to be more comfortable accepting elderly housing. Potential properties being considered for the Elderly Housing zone were reviewed on a map displayed.

Chair Cannon asked that if a specific property identified would undergo a downzone if zoned for elderly housing. Mr. Bott responded that it would not be considered a downzone. Chair Cannon disagreed and stated that anytime a commercial zone becomes a residential use the property is considered a downzone. He asked if the property owners have been notified of the zone change. Mr. Lethbridge responded that because the matter is in the discussion phase they have not been notified; however, a meeting was scheduled to meet with certain property owners to discuss the proposed changes. The property displayed is zoned mixed-use. Mr. Bott explained that an upzone or downzone is based on subjective evaluation.

Chair Cannon explained that complications may occur if a buyer purchases a parcel based on the current zoning and the City changes the zoning. Property owners need to be involved in the process. Mr. Lethbridge clarified that the General Plan differs from the underlying zoning. The property will retain the zoning that is in place and the General Plan is intended to guide the general land use. Mr. Lethbridge stated that any changes made will not proceed to the Council until the property owners and residents are notified.

Commissioner James explained that the land use map entitles the land and the zoning map should be consistent with the land use element. By doing this, residents and property owners will be notified at a very early stage. Mr. Lethbridge commented this has been a point of discussion with the Council and they intend to bring the General Plan to a level of consistency with zoning and their intent with the properties. Mr. Bott stated that the General Plan should guide zoning decisions.

Mr. Lethbridge next reported on the designation for the southeast side of Redwood Road and 12800 South. The area is currently designated as Estate density and the Council has recommended this be maintained. Other designations in the area were reviewed.

Mr. Lethbridge reported that the Stampin' Up property located at 3600 West and Water Street is currently zoned for a mix of office and light industrial. The property was identified on a map displayed. Stampin' Up is not expanding the business and has marketed unused property.

In response to a question raised, Mr. Lethbridge responded that opportunities will be provided for feedback from the residents concerning the property mentioned above to find the correct land use for the area. There is a discrepancy between the light industrial zoning in this area and what is designated in the General Plan, so potentially the City may initiate a zone change.

Commissioner Hartley commented that the property should be low density. Commissioner Rushton believed that it has possibilities for development. Commissioner James stated that the site has the potential for townhomes using the same density as proposed.

In response to a question raised, Commissioner Rushton stated that one-quarter acre lots can be developed in the area and suggested possibilities. It was noted that the subject parcel was never developed as envisioned.

Commissioner Hartley asked if Stampin' Up will remain. Mr. Lethbridge reported that they currently produce stamps and complete work for other companies.

Commissioner Hartley reported that he previously completed a General Plan and shared his experience. He appreciated staff's direction and felt it will prevent issues in the future. He suggested that the Commission be prepared to vote on applications even with resident disapproval.

Commissioner Hansen commented that if Stampin' Up were to go out of business, it is important to consider the impact another light industrial business will have on the area.

Commissioner Rushton stated that because there is no re-designation or identification for the east side of Redwood Road, the City demonstrates that it is unwilling to determine the land use subjectively. He suggested that staff complete a table displaying current and proposed designations including the philosophies explaining each designation. Recommendations and the areas not being designated should also be identified.

Mr. Lethbridge identified other areas where zone changes were envisioned. He reported on concerns pertaining to Monarch Meadows and the 13400 South area. The amount of traffic was not anticipated in this area 20 years ago and has made access difficult for homes facing 13400 South. A community commercial designation for the area was being proposed.

In response to a question raised, Mr. Lethbridge stated that the City is not obligated to exercise eminent domain and assist the developer in acquiring property. The General Plan designation identifies areas where commercial development is possible and the assembling of the ground, fulfilling City requirements, is dependent on developers and property owners.

Mr. Lethbridge reported that a table will be prepared as Commissioner Rushton suggested. Staff recommended that discussion of the above matter be continued to the May 28, 2020, Planning Commission Meeting to allow for additional information to be prepared and for noticing. It was anticipated that the meeting will be more accessible and open for public comment.

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

Commissioner James moved to recommend approval to continue the Draft General Plan and Land Use Map to the May 28, 2020, Planning Commission Meeting. The motion was seconded by Commissioner Hartley. The motion passed with the unanimous consent of the Commission.

Mr. Lethbridge reported that staff is seeking to complete the process for the above item as quickly as possible. Mr. Lethbridge explained that when the matter comes before the Planning Commission, each property will be discussed, and public comment will be taken. The Council made suggestions that are consistent with concerns from the public, which will result in a more efficient meeting. Mr. Lethbridge reviewed the process for final approval of the General Plan.

DECISION ITEMS

There were no decision items.

DISCUSSION ITEMS

There were no decision items.

MINUTES

There were no minutes to be approved.

4. ADJOURNMENT

The meeting adjourned at approximately 8:30 p.m.