

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
January 23, 2020**

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

Planning Commission Members:

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

Staff:

Tim Prestwich, Zoning Administrator
Brian Moore, Assistant City Engineer
Craig Bott, City Attorney

Chair Brian Russell called the meeting to order at approximately 6:30 p.m. Commissioner Hartley led the Pledge of Allegiance.

• **PUBLIC HEARINGS**

1. **HOME OCCUPATION**, GILBERT LANCE WILCKEN IS SEEKING A CONDITIONAL USE FOR A HOME OCCUPATION, WILCKEN UPHOLSTERY, TO BE LOCATED AT 12523 SOUTH REDWOOD ROAD.

Zoning Administrator, Tim Prestwich presented the staff report and stated that the above matter is an administrative action item. The property was identified on a map displayed. The property is approximately one-third acre in size on which there is a home and detached garage. A few years prior the applicant obtained an Accessory Structure Permit and built a detached garage. He would now like to use a portion of the detached as his shop for an upholstery business. Code requirements were described. The applicant, Mr. Wilcken is proposing to reupholster furniture in his shop. He expects to have no more than one or two customers per day. The proposal was determined to be well within the guidelines. Parking for employees or customers is available behind the home and will not be visible from Redwood Road. Staff recommended approval with conditions. Mr. Prestwich indicated that the notice was sent to all neighbors within 300 feet, published in the newspaper, and posted on the City's website. No comments were received.

Chair Russell opened the public hearing.

The public comments were off mic and inaudible.

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

The applicant, Mr. Wilcken was addressed by the Planning Commission members, but his comments were off mic and inaudible. The responses were best understood by the further comments of the committee.

Chair Russell followed up with Mr. Wilcken asking if people were aware of the location of the business and if they knew where the driveway was located. The response satisfied Chair Russell.

Commissioner Cannon asked about the neighbor that shares access with the private drive, but they did not attend the meeting to contest the request.

Commissioner Hansen asked how Mr. Wilcken will receive deliveries at his home. It was reported that deliveries will be made by a truck similar to UPS or FedEx the majority of the time. Ingress/egress issues were discussed.

Commissioner James expressed concern over having vehicle/equipment outside the boundaries of the described building. Commissioner Rushton disagreed and stated that it would be difficult to service a large vehicle since it would be too large to fit inside the building. He proposed that Mr. Wilcken be allowed to use the areas outside the designated building.

Commissioner James moved to approve Application #PLZ 20-2001 Wilcken Upholstery, to be located at 12523 South Redwood Road subject to the following conditions:

- 1. The site, structures, and use shall remain in compliance with any and all Riverton City ordinances and standards, specifically the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. The applicant must obtain and maintain a Riverton City business license.**
- 3. The shop area may utilize the space shown on the applicant's site plan submitted with the home occupation application.**

Commissioner Rushton asked that the fourth condition be removed. The motion passed with the unanimous consent of the Commission.

- 2. CONDITIONAL USE, TRILOGY REP, LLC IS SEEKING A CONDITIONAL USE PERMIT FOR MY STORAGE HERRIMAN, STORAGE UNITS IN A C-G ZONE FOR 2.05 ACRES OF PROPERTY LOCATED AT 5565 WEST 13400 SOUTH.**

Zoning Administrator, Tim Prestwich, presented the staff report and stated that the request is for My Storage Herriman. The property is located within Riverton City boundaries but is surrounded on two sides by Herriman, on 5600 West and 13400 South. The area is zoned Commercial Gateway, which is applied at the entrances of the City and along some of the major corridors. The property to the south is zoned RR-22 for residential single-family 0.5

acre lots. To the east is a park with restrooms, a playground, and fields. The applicant is requesting a conditional use for storage units.

The plans were prepared by the applicant and show the approved expansion but also lists an expansion that has not been approved to date. IHC is also considering doing a subdivision. The applicant will need to go to Herriman for permission for an access permit to the storage units. There will be six buildings, with one to be used as an office. From the IHC site to 13400 South is a six-foot masonry wall that runs along the east side. An eight-foot masonry wall runs west to 5600 West. There is no fencing along the east side but there is a six-foot masonry wall that runs south. The ordinance for storage units allows up to 60% of the site be covered in buildings. Storage units are only required to have landscaping covering 20% of the front office area rather than 20% of the entire site. A determination will need to be made on how the 20% of landscaping will be defined and if it will have a full setback or a zero-lot-line setback. The plans show setbacks that are not in compliance and need to be reviewed prior to approval.

The road shows excellent interconnectivity along with cross access and meets all ordinance requirements. Proper notice was published in the newspaper and sent to the property owners within 300 feet. Staff received no feedback. Mr. Prestwich explained that if the conditional use is granted and proceeds to the site plan, it is expected to take two to three months of staff review after application after which it would be noticed again for approval of the site plan.

Commissioner James asked about the setback along 5600 West. Mr. Prestwich stated that it needs to be 30 feet from the curb. If the conditional use is approved, the builder would be forewarned of the concern about the setbacks.

Commissioner Rushton asked about the fencing requirement on the north side. Mr. Prestwich stated that there is no additional fencing requirement for a storage unit.

Mr. Prestwich stated that staff encouraged the applicant to run the site plan and the conditional use concurrently. The applicant, however, needed to proceed with the design drawings and enter into a purchase contract.

Chair Russell opened the public hearing.

The public comments were off mic and inaudible. There were no further public comments. The public hearing was closed.

Commissioner James wanted to make it clear to the public that the Commission will be confined to all City ordinances. Mr. Prestwich confirmed that because storage units are a conditional use, there may be circumstances surrounding the use that require modifications to make it fit into the neighborhood. The use, however, cannot be denied.

The applicant addressed the committee but was off mic and inaudible.

Commissioner James asked the applicant to be sensitive to the existing uses in the area.

Commissioner Hansen moved to approve Application #PLZ 20-2002 My Storage Herriman, to be located at 5565 West 13400 South subject to the following conditions:

- 1. The applicant shall make a site plan application that meets City ordinance and is approved by the Planning Commission in a public hearing.**
- 2. The “My Storage” site shall utilize shared access points and cross access with the other commercial properties at the southeast corner of 13400 South and 5600 West.**
- 3. Setbacks shall follow the standard setbacks listed in 18.70.040 and shall not utilize a zero-lot-line or reduced set back.**

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

- 3. REZONE, KIRK YOUNG AND RIVERTON RANCH, LLC IS REQUESTING A REZONE OF ABOUT 6.11 ACRES LOCATED AT APPROXIMATELY 4245 SOUTH 12600 SOUTH. THE CURRENT ZONING IS RM-14 WITH AN ELDERLY HOUSING OVERLAY, THE REQUESTED ZONING IS RM-14 (RESIDENTIAL MULTI-FAMILY 14 UNITS PER ACRE) WITH NO OVERLAY.**

Chair Russell opened the public hearing.

Mr. Prestwich presented the staff report and stated that the property is located on the west side of Bangerter Highway, before reaching Mountain View Corridor. It was rezoned to RM-14 with an elderly housing overlay including RM-14SD to the north. The developer has returned with a preliminary site plan project and final site plans for Phases 1 and 2. Phase 1 is under construction while construction on Phase 2 has not yet begun although it has been approved and the final plan is in place.

The power corridor, which is owned by Rocky Mountain Power in fee, contains high voltage power lines that present obstacles to the elderly housing project. In 2016, hearings were held on the property and final approval was granted in 2017 for the rezoning to RM-14 with the RM-14 SD and the elderly housing overlay. The applicant was requesting a zone change to have the overlay removed so that property can be zoned RM-14 SD, which allows multi-family housing or detached small lots with single-family units.

Phase 1 is on the northernmost section of the property and has 65 small lots and 108 attached units on the east side of the project. Phase 2 includes 25 small lots and 140 units. Phase 3 is listed but wasn't reported on. The area is 6.12 acres in size. The applicant is requesting RM-14 zoning. Staff requested RM-14 SD as it is applied to the north if the elderly housing overlay is removed.

The applicant has plans for roads and dwellings units if the overlay removal is approved. The exterior of all units will include a minimum of 35% brick or stone, which is higher than what is included in an RM-14 zone. Staff recommended the adoption of the SD and including the requirement for the unit exterior materials listed.

The Planning Commission is acting as a recommending body to the City Council who will ultimately make a legislative decision on the proposed rezone. Mr. Prestwich encouraged the Commissioners to identify their arguments and conclusions in any motion made. The matter would be noticed again prior to the City Council hearing. Notice will be sent to those within 1,000 feet of the property, posted on the City's website, and published in the newspaper. Mr. Prestwich reported that staff had not received any public feedback.

Commissioner James asked if the City has data on the need for elderly housing. Mr. Prestwich responded that no study had been conducted and the demand has not been investigated by staff. Mr. James asked if elderly housing fits the description of affordable housing. An answer was given off mic that was inaudible.

Commissioner Lefgren asked if the overlay was originally driven by the developer or if it was a City-initiated request. Mr. Prestwich indicated that he was not employed by the City at that time and did not know the history. In researching the matter, he learned that this is an ongoing discussion with the City Council, however, there was nothing in the meeting notes. It was noted that the City Council adopted it with the SD and the elderly housing.

Commissioner Cannon asked if the original zoning was granted with the understanding that the developer was dedicating a portion of his property to elderly housing. Mr. Prestwich was not sure as he did not have the meeting minutes to review. Mr. Cannon asked about the definition of elderly housing. Mr. Prestwich responded that in Riverton there is an overlay zone that grants elderly housing different requirements. The end result is that it is a zone on top of a zone. Mr. Prestwich read from the City webpage which states that "The Elderly Housing Overlay is established to provide an area for elderly housing, including elderly housing, nursing homes, convalescent centers, and assisted living centers adjacent to or in proximity to commercial centers, mass transportation access, or community and civic centers. The overlay zone is not intended for hospitals, clinics, health care centers, or like uses. The Elderly Housing Overlay zone may be permitted in any commercial or RM zone."

Mr. Prestwich explained that the permitted uses in this situation are for independent elderly housing. It is defined as a home where people live with no nursing or any type of care, a residential care facility, and a real estate or management office. It was clarified that the developer is proposing independent elderly housing. Mr. Cannon was only aware of elderly housing on commercial use property in the City on a main road. He was concerned that they may not be doing justice to the residents who live in the area by enabling what is proposed in the middle of a subdivision when the other uses are built along a corridor. A comment was made off mic that was inaudible.

There were no public comments.

The applicant addressed the Commission but was off mic and inaudible.

Mr. Prestwich responded further to one of Commissioner Cannon's questions and stated that after referring to the zoning map, there was no other elderly housing overlay on any other residential properties that could be identified. They are all commercial and located along major roads.

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

Commissioner Rushton moved to recommend APPROVAL of Application PLZ-19-4012 rezoning properties located near 4245 West 12600 South as shown on the attached Proposed Zoning Map from RM-14-SD with an Elderly Housing Overlay (EHOV) to RM-14-SD. Commissioner James seconded the motion. The motion passed with the unanimous consent of the Commission.

- 4. REZONE, RD DEVELOPMENT IS REQUESTING A REZONE OF ABOUT 12.05 ACRES LOCATED AT APPROXIMATELY 11845 SOUTH REDWOOD ROAD. THE CURRENT ZONING IS C-PO, C-N, AND RR-22, THE REQUESTED ZONING IS RM-6 WITH A SPECIFIC DESIGNATION.**

Mr. Prestwich presented the staff report and stated that the request is from the RD Development Group located on Redwood Road and is a uniquely shaped property consisting of RR-22, R-3, C-PO, and C-N zoning. The staff report specified the size as 12.05 acres, but after an ALTA Survey, the acreage was determined to be 12.8 acres. Even with this change in acreage, the request follows the boundary lines and is consistent with the zoning requirements. The property was identified on a map displayed.

The applicant is requesting RM-6-SD zoning on the property. A section of the property is zoned Estate Density Residential, which allows one-half acre or larger lots. The property also consists of a business park or professional office that corresponds with a C-G, C-N, or C-PO commercial zoning. There is a section of R-4 zoning, with 10,000 square-foot lots and another section listed as R-3 zoning.

The staff report was amended to specify that if recommended for approval, there would also need to be a recommendation for a change to the General Plan. Last summer and fall, Development Services Director, Jason Lethbridge did a lot of work on the project, but the City Council requested it be put on hold and readdressed in the spring. The previous General Plan was being presented and nothing had been formally adopted.

Because this is SD and not a blanket zone, the developer utilized the SD to include different types of uses or densities inside the overall project. In one section are the attached single-family homes, or townhomes. Another section contains 4,500 square-foot detached homes including private lots and driveways, private garages, and they do not share a common wall. Along the north edge, 6,000 square-foot detached homes are proposed. On the south end that borders the residential properties of R-4 and R-3, there are 8,000 square-foot detached

homes. The open and green spaces not included in the development were identified as a wetlands area. It was noted that a wetlands study had not been submitted. The previous owners of the property may have had a study done but it was not formally submitted with the application.

The applicant shows three different layouts where land use is similar, but the road connections and layouts vary. Mr. Prestwich stated that nothing was going to be approved tonight other than the land use and zoning. Road use, connections, and impacts would be considered in a rezone for land use in an area. Mr. Prestwich encouraged the Planning Commission to voice their road layout preferences to the City Council. In writing the Planning Commission or City Council could instruct staff to place special limitations on the road. If no preferences are voiced, and the zoning layout will be approved and the applicant would be able to choose the road layouts as long as they comply with the ordinance. If this occurs, the issue of making a turn around on the dead-end road would need to be resolved in the site plan.

SD zoning will help some units that are below the RM-6 zoning requirements. If the RM-6 were recommended without SD, it would be limited to 5,000 square-foot lots. Staff would define the measurements of each lot if requested. Staff would work with the applicant before the matter goes before City Council if requested by the Planning Commission. Different layouts were addressed with regard to potential area impacts. Feedback from the community was received after providing notice.

Commissioner Rushton asked if there was a time frame on the finalization of the General Plan. Mr. Prestwich replied that it could take until February or March of this.

Commissioner James inquired as to why two lots were marked with "X's". Commissioner Hansen explained that one of the lots is near the wetlands and has no access unless there is a private lane. Mr. Prestwich stated that if there are wetlands designated in the area, the lot will be inaccessible unless there is a private lane. An agreement would need to be reached. If zoned RR-22 and there is no access, a Conditional Use Permit would need to be obtained.

Commissioner James asked about the unit count on the property if it were zoned R-6 assuming that the wetland issue is resolved. Mr. Prestwich stated that there would be a reduction in the number of lots.

Commissioner Cannon wondered why none of the proposals utilized the access road built 30 to 40 years ago on the east side of the canal and why it is not proposed to have a bridge over the canal. Mr. Prestwich replied that these are the applicant's proposals and he was not aware whether staff had made a recommendation in that regard. An unidentified individual stated that when he approached the City after putting a bid on a home near the wetlands in the area, he learned he would need to go through the Army Corps of Engineers for approval. As a result, it would not be cost-effective to build a bridge over the wetlands. Chair Russell commented that there are a number of stubs along the canal and other areas that were created years ago and abandoned.

Chair Russell opened the public hearing.

The following individuals spoke but were off mic and inaudible:

Amy Wright

Shelly Ceverts

Bill Allinson

Terry Malloy

Rick Gardner

Charlie Anderson

Angela Long

Peter Smith

Michael Jorgenson

Jennifer Smith

Michael Stephenson

Brad Wright

Susan Allinson

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

Dave Morton identified himself as the applicant and was present to answer questions. His comments were off mic and inaudible.

Commissioner Rushton asked if the applicant owns the property or has an option to purchase it. Mr. Morton responded that he does not own the property. Mr. Prestwich explained that the City has a two-part ownership affidavit where the owner signs the application stating they own the property and authorize an agent; however, a Purchase Contract is considered a valid form of ownership or interest in the property to pursue an application. The owner was not in attendance to provide clarity.

Commissioner James remarked that it would be premature for the Commission to approve the zoning before the City Council makes a final decision on how the corridor on Redwood Road should be completed. Density was an issue because it dictates traffic flow among

other things. There was also concern that there was not enough information about the wetlands.

Commissioner James moved to recommend DENIAL of Application PLZ-19-4015 rezoning properties located near 11845 South Redwood Road as shown on the attached Proposed Zoning Map and keeping the properties zoned RR-22, C-N, and C-PO.

Mr. Morton addressed the Commission but was off mic and inaudible.

Commissioner Rushton remarked that the owner has a right to develop the parcel, and the neighbors recognize his right. There is an opportunity to develop the property with specific protection of the wetlands.

The motion died for lack of a second.

Commissioner Rushton moved to recommend DENIAL of Application PLZ-19-4015 rezoning properties located near 11845 South Redwood Road as shown on the attached Proposed Zoning Map and keeping the properties zoned RR-22, C-N and C-PO based on conflict with the existing Master Plan and the character of the neighborhood. Commissioner James seconded the motion. Vote on motion: Chair Russell-Aye, Commissioner James-Aye, Commissioner Hartley-Aye, Commissioner Rushton-Aye, Commissioner Hansen-Aye, Commissioner Cannon-Nay. The motion passed 5-to-1.

Chair Russell explained that the motion will be forwarded to City Council and renoticed.

- 1. ZONING ORDINANCE TEXT CHANGE, RIVERTON CITY IS PROPOSING AMENDMENTS TO SECTION 18.175, WIRELESS COMMUNICATIONS TOWERS, OF THE RIVERTON CITY CODE.**

Mr. Prestwich presented the staff report and stated that Mr. Lethbridge would be presenting the staff report at the next Planning Commission Meeting.

Commissioner Hansen moved that the Planning Commission continue the public hearing to the February 13, 2020, Planning Commission Meeting. The motion passed with the unanimous consent of the Commission.

Commissioner Cannon thanked the citizens in attendance. He made a few corrections and stated that the Planning Commission had had more than one meeting for one hour for this item of business. Secondly, the property is medium density rather than high density.

- **COMMISSION BUSINESS**

1. **CHAIR AND VICE CHAIR ELECTIONS.**

Mr. Prestwich reported that the elections are conducted annually at a regularly scheduled meeting. The Chair and Vice-Chair cannot succeed themselves and are decided by the Planning Commission.

Commissioner Rushton moved to nominate Gary Cannon to serve as Planning Commission Chair and Kent Hartley to serve as Vice-Chair. Commissioner Lefgren seconded the motion. The motion passed with the unanimous consent of the Commission.

- **MINUTES**

1. **DECEMBER 12, 2019.**

Mr. Prestwich reported that a new recording system was used and the previous meeting was not recorded. Limited materials were available.

Commissioner James moved to approve the minutes of December 12, 2019, as-is, with minor typographical corrections. The motion was seconded by Commissioner Hartley. The motion passed with the unanimous consent of the Commission.

- **ADJOURNMENT**

The meeting adjourned at approximately 8:55 p.m.