

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
February 13, 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:

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

Staff:

Jason Lethbridge, Dev. Services Dir.
Craig Bott, Deputy City Attorney
Brian Moore, Engineering Department

Chair Gary Cannon called the meeting to order at approximately 6:30 p.m. Commissioner Rushton led the Pledge of Allegiance.

- **CALL TO ORDER**

All Planning Commission members were present with the exception of Brian Russell, who was excused.

- **PUBLIC HEARINGS**

1. **HOME OCCUPATION**, DALE DANSIE IS SEEKING A CONDITIONAL USE FOR A HOME OCCUPATION, "JUST ANOTHER WOODCARVER" TO BE LOCATED AT 5349 WEST 13400 SOUTH.

Chair Cannon opened the public hearing.

Development Services Director, Jason Lethbridge, presented the staff report and stated that the request was from "Just Another Woodcarver". He noted that the business is to be operated out of a residential home located and identified the property on a map displayed. Mr. Lethbridge stated that the home-based business will have no employees and no customers coming and going from the site. In addition, there will be very few, if any, deliveries. The applicant works out of a detached shed, which was the reason the request was coming before the Planning Commission. The majority of the sales will be through the internet. Tabletop equipment will be used that is within the range of what the ordinance allows. Staff recommended approval with the three conditions outlined in the staff report.

Dale Dansie identified himself as the applicant but was off mic and inaudible.

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

Commissioner James moved to approve Application #PLZ 20-2004 “Just Another Woodcrafter” to be located at 5349 West 13400 South subject to the following conditions:

- 1. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, specially the City Home Occupation Ordinance (18.190) and applicable Building and Fire Codes.**
- 2. Applicant must obtain and maintain a Riverton City business license.**
- 3. Shop area in the detached shed may utilize the space shown on the applicant’s site plan.**
- 4. No work is to be done outside the accessory building.**

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

- 2. COMMERCIAL SITE PLAN, HARRY HUNT IS SEEKING APPROVAL OF A COMMERCIAL SITE PLAN FOR ABOUT 0.16 ACRES LOCATED 3710 WEST 13400 SOUTH.**

Chair Cannon open the public hearing.

Mr. Lethbridge presented the staff report and stated that the property is located on the corner of 3710 West with the address being 3710 West 13400 South. The property was identified on a map displayed. It was noted that the corner has been vacant since the retail center was developed and was under separate ownership. The property will serve as an expansion of the parking area and the landscaping plan was amended accordingly. Staff recommended approval with the conditions set forth in the staff report.

Dale Bennett, from Horrocks Engineering was present to answer questions.

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

Commissioner Hansen moved to approve Application #PLZ 19-8004 Hunt Parking Lot Expansion located at 3710 West 13400 South, subject to the following conditions:

- 1. Fix Riverton City staff redline comments on the plans.**
- 2. Storm Drainage systems and accommodations comply with the Riverton City Standards and ordinances, and with the recommendations of the Riverton City Engineering Division.**

3. **Applicant complete a Long Term Storm Water Management Plan according to Riverton City Standards and ordinances.**
4. **A Land Disturbance Permit must be issued by the City prior to any construction grading on the site.**
5. **The site and structures comply with any and all applicable Riverton City Standards and ordinances.**
6. **The applicant must obtain final approval from utility providers.**

The motion was seconded by Commissioner Lefgren. The motion passed with the unanimous consent of the commission.

3. **REZONE, RIVERTON CITY IS PROPOSING A REZONE OF PROPERTIES NEAR 12800 SOUTH 1500 WEST AND 12800 SOUTH 1400 WEST. THE CURRENT ZONING IS A PUBLIC UTILITY AND THE PROPOSED ZONING IS PARKS AND OPEN SPACE.**

Mr. Lethbridge stated that in the Main City Park prior to the renovations, City Hall and the Public Works yard were part of the park space. The property was zoned Public Utility to differentiate the it from the Park. As City Hall was relocated to the current building, the new zoning of the Park was never addressed. The proposed rezone will be compatible with what surrounds it. The rezone was outlined on a map displayed and does not reflect any change of use or alteration to the park.

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

Commissioner Hansen moved to approve Application PLZ-20-4001 rezoning properties located near 1500 West 12800 South as shown on the attached Proposed Zoning Map from Public Utility to P-OS (Parks and Open Space). The motion was seconded by Commissioner James. The motion passed with the unanimous consent of the commission.

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

Mr. Lethbridge described a conversation staff had previously involving potential changes to the Wireless Communications Ordinance regarding cell towers and similar facilities. One item that was discussed previously was that school district properties are not subject to the jurisdiction of the City in these matters. In the past, cell towers were recognized as conditional uses because of the requirement that they remain a certain distance from surrounding residential, however, that requirement had been rescinded from the ordinance.

There is no longer a basis for the City to exercise any oversight. Mr. Lethbridge reviewed the proposed ordinance language changes.

The second issue involved disguising cell towers or including architectural screening. The first part of the language that was drafted included language specifying that the Planning Commission may require that type of screening anywhere in the City with the exception of school property. Mr. Lethbridge provided examples of criteria the Planning Commission could require for this type of architectural screening. It was noted that the ordinance broadly defines architectural screening as approved by the City and that it may be for free standing towers or for antennae array that are incorporated into buildings or other structures. This was based on a previous discussion involving the proposed language from staff that gives the Planning Commission the authority and structure to require it. Mr. Lethbridge clarified that it does not mandate it. There is also language elsewhere in the ordinance that acknowledges that the Council may require architectural screening in negotiating a Lease Agreement for public land.

Commissioner James stated that the word "by" was removed from the ordinance but should be included. Mr. Lethbridge acknowledged it was not intended to have been removed. He stated that a few of the references still recognize the City Council as the land use authority, however, it is currently the Planning Commission.

Commissioner Hartley asked if landscaping would be considered the same as architectural screening. Mr. Lethbridge confirmed that it would.

Commissioner Rushton asked if Riverton had not rescinded the regulation for height relative to distance, if that would have given the school district some structure as far as when they were identifying potential locations on the school property. Mr. Lethbridge stated that that was the reason for the conditional use. The intent was to insure that it is 150% the height of the tower away from surrounding homes. The City rescinded it because there was no basis in the original decision to maintain it. There was no data showing that the towers are inherently unsafe, that there is an inherent radiation risk, or that a particular distance of separation would mitigate any risk if it existed. Mr. Lethbridge explained that that was the only basis for review. It did not necessarily give the City the authority to deny a tower if the school district is able to place it the required distance from homes.

Commissioner Rushton commented that the issue of radiation was not even commented on. The Commission denied a tower on Redwood Road and Bangerter because it was to be located near a senior center. Mr. Lethbridge stated that the reason he brought up radiation was because the applicant wanted the requirement waived. In considering that question, staff reviewed why the standard was in place and determined that there was no basis for the restriction.

Commissioner Rushton asked if there are any other communities with something similar. Mr. Lethbridge stated that there are communities that maintain separation; however, they have very little growth. Most communities that are experiencing growth find it increasingly difficult to locate towers with those types of restrictions maintained. Most communities have

moved away from those types of limitations because they have found it difficult to place towers. In response to a question raised, Mr. Lethbridge stated that the proximity requirement had never been contested, so it may not have held up.

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

Commissioner Hartley moved to approve the proposed amendments to Section 18.175, Wireless Communication Towers, as described in Exhibit "A". The motion was seconded by Commissioner Hansen. The motion passed with the unanimous consent of the Commission.

5. ZONING ORDINANCE TEXT CHANGE, RIVERTON CITY IS PROPOSING AN AMENDMENT TO THE TABLE OF COMMERCIAL USES TO ALLOW "AUTO DEALERSHIPS, NEW OR USED" AS A CONDITIONAL USE IN THE COMMERCIAL DOWNTOWN ZONE.

Mr. Lethbridge reported that the current ordinance limits auto dealerships, new or used, to the Commercial Regional zone, which is located west of 3600 West. An interested party approached the City about the possibility of developing a used car lot and mechanic shop on the site. The request was before the Commission to address the question of auto dealerships in the Downtown zone. It was noted that auto parts, retail, repair, and related services are allowed as conditional uses.

Mr. Lethbridge asked for feedback on the following:

1. Should auto dealerships, new or used, be an acceptable use in the Downtown area; and
2. If so, under what circumstances.

Mr. Lethbridge believed that some of the primary reasons they were designated as not permitted had to do with impacts. New or larger dealerships have a significant amount of lighting, which can have significant impacts on surrounding properties. There are also no large tracts of land remaining in the downtown area and what is left is being developed rapidly. Most likely these uses will be utilized on infill or reuse properties, however, they do have associated impacts. The Commission was asked to address whether there are circumstances under which auto dealerships, new or used, would be acceptable downtown.

Commissioner James stated that the use is similar to other uses that already exist on 12600 South. The concern was that auto dealers, new or used, typically use promotional signage and bright lighting. He asked if staff had contemplated applying the same conditions to a typical auto dealership or if it would be modified to conform to 12600 South.

Commissioner James suggested moving forward but to take into consideration the size of the parcel and its use in relation to the typical size of auto dealerships. There could be very

significant impacts in this particular cycle. He suggested that a condition be added requiring specific considerations for certain sized parcels. With regard to the size of the parcel, Commissioner James stated that the guiding factor should be the impact on the area.

Chair Cannon remarked that for a very long time, Riverton City's primary tax base came from Riverton Motors and Butterfield Ford. He asked if there is a zoning in the City that would allow for car dealerships. Mr. Lethbridge responded that the Commercial Regional zone on 3600 West and going west allows car dealerships to the scale mentioned. Based on restrictions that are in place with respect to proximity to other car dealerships, it was unlikely for the City to see a significantly-sized car dealership further east than the Bangerter Highway corridor. The area would only be used for smaller infill types of uses. The Downtown area has struggled in terms of competing with uses west along the I-15 corridor, so this could be a way to reuse the space on a more limited scale. In order to address lighting and other issues in the Conditional Use Permit process, the language would need to be carefully crafted.

Commissioner Hansen was of the opinion that the area is too built out and congested. It is problematic to get around in the area currently due to lack of signalized intersections. He did not support the proposal and wanted to keep the downtown area walkable with small retail.

Commissioner Rushton commented that retail has a 10 to 15 year life span. He suggested the Commission be open to uses that do not have a significant impact. Because retail is a dying industry, the City needs to be willing to accept boarded up store fronts or wait for an applicant to develop a housing project. He stated that there is a need to individually look at each project and determine how it fits in the City.

Commissioner Lefgren did not believe it was a good fit in such a small area. He pointed out that Velocity started small and purchased the land in the surrounding area. He commented that it will be difficult to fill out SLR as commercial and provide revenue with retail being minimized by larger online retailers. He did not believe the subject property was appropriate for a car dealership and supported keeping it as is.

Commissioner Hartley commented that the site does not seem to be the ideal location for the proposed use.

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

Commissioner James moved that the Commission not permit auto dealerships to be located in the current CD zone. The motion was seconded by Commissioner Hansen. Vote on motion: Chair Cannon-Aye, Commissioner James-Aye, Commissioner Hartley-Aye, Commissioner Hansen-Aye, Commissioner Lefgren-Aye, Commissioner Rushton-Nay. The motion passed 5-to-1.

- **DECISION ITEMS**

1. **AMENDED SITE PLAN**, A&I FLOORING IS REQUESTING APPROVAL OF AN AMENDED FINAL SITE PLAN IN RIVERTON MARKET LOCATED AT 3657 WEST MEADOW SPRING LANE 12600 SOUTH.

Mr. Lethbridge presented the staff report and stated that the site plan was previously approved by the Planning Commission for property located at 3657 West Meadow Spring Lane adjacent to 3600 West. Following Planning Commission approval, the applicant approached staff with the desire to move the building four feet. Staff informed the applicant that an amendment to the site plan was needed to look at possible ripple effects. The building was shifted four feet and the new layout complies with all standards and ordinances. Staff recommended approval of the amended plan. Mr. Lethbridge stressed that the applicants will be bound by the Planning Commission's original decision.

Commissioner Hartley moved to approve Application #PLZ 20-8001 A&I Flooring Final Site Plan, located at 3657 West Meadow Spring Lane, subject to the following conditions:

1. **Fix minor Riverton City staff redline comments on the plans.**
2. **Storm drainage systems and accommodations comply with the Riverton City Standards and ordinances, and with the recommendations of the Riverton City engineering division.**
3. **Applicant complete a Long Term Storm Water Management Plan according to Riverton City standards and ordinances.**
4. **A land disturbance permit must be issued by the city prior to any construction grading on the site.**
5. **The site and structures 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. **The site, structures and use shall comply with the conditional use permit approved by the Riverton City Planning Commission on February 28, 2019.**
8. **Masonry fence shall be 8-ft. tall, with pattern and color on both sides to closely match the existing 8-ft. masonry wall along the south property line.**
9. **Roof top mechanical to be screened by parapet walls.**

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

- **MINUTES**

1. **JANUARY 23, 2020.**

Commissioner Hansen moved to approve the minutes of January 23, 2020. The motion was seconded by Commissioner Hartley. The motion passed with the unanimous consent of the Commission.

- **ADJOURNMENT**

The meeting adjourned at approximately 6:40 p.m.