

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
November 12, 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
Dennis Hansen
Kent Hartley
Ed James
Grant Lefgren
Brian Russell
Troy Rushton

Staff:

Jason Lethbridge, Development Services Director
Tim Prestwich, City Planner

1. CALL TO ORDER

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

2. PUBLIC COMMENT PROCEDURE.

3. PUBLIC HEARINGS.

- a. HOME OCCUPATION, LAURA WATSON IS REQUESTING A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION FOR “DAZZLING ACCESSORIES” TO BE OPERATED FROM HER HOME ON 12866 SOUTH MAPLE SPRINGS ROAD.**

City Planner, Tim Prestwich presented the staff report and stated that the subject property is located in the Cottages of Western Springs, in an R-4 SD Zone. 10,000 square-foot lot is the R-4 zone and the SD takes them down to about 7,000 square-foot lots. The frontage on the lots is 61 to 62 feet, which is about 20 feet less than what a typical R-4 is and 30 feet less than R-3.

Mr. Prestwich reported that Dazzling Accessories sells items such as jewelry, home décor, clothing accessories, and auction pallet items. The applicant purchases pallets of merchandise that are returns from online vendors or freight that is undeliverable. She brings the pallets home, breaks them down, and lists individual items for sale on the internet. People come to the home to pick the items up. She has no employees and five or fewer customers come and go each day and arrive at different times. Parking is available in the three-car driveway and business is usually conducted in the garage or on the front porch of the home. Mr. Prestwich reported that the ordinance specifies that the applicant needs to provide off-street parking, but if the customers chose not to use it, it cannot be enforced on a public street.

Mr. Prestwich reported that several comments were received from the public and included in the Commission packet. The comments included concerns regarding the narrow streets and the number of cars that come and go from the site. Another concern was whether the surge in crime in the neighborhood could be attributed to people coming and going from the business from outside the neighborhood.

Mr. Prestwich reported that staff felt that the home occupation could qualify and meet the fixed standards. He spoke with the neighbors and informed them tonight's meeting was not a punishment or a judgment for what the applicant has done in the past. If the applicant can demonstrate that they can potentially meet the ordinance, they are entitled to approval if the Commission finds that they are capable of following the ordinance. Staff recommended approval subject to the conditions outlined in the staff report.

Mr. Prestwich referenced condition number four and reported that the applicant indicated that she could operate her business with no more than five visitors per day, however, the ordinance allows up to eight. Given that that was one of the neighbors' concerns and that the frontage is narrower, staff included it as a condition.

Commissioner Russell asked about the restriction on the business hours. Mr. Prestwich explained that they would be 7:00 a.m. to 7:00 p.m., which is defined as one of the qualifications. The Commission could alter the hours to 9:00 p.m. or restrict it if they can attribute it to the impact on the neighborhood.

Commissioner James noticed a discrepancy between the application and some of the letters received. He asked if the Commission was aware that alcohol is being sold. Mr. Prestwich stated that he had spoken to the applicant about that and explained that it is not allowed by the Home Occupation ordinance or by the Division of Alcohol. If it happened in the past it cannot happen in the future as it would violate State Code.

Commissioner James stated that one of the letters received expressed concern regarding the garage door being left open. In one case, the claim was that it was open for two days before being closed. His understanding of the ordinance was that all activity in a home occupation has to be conducted within the structure. Mr. Prestwich stated that the Planning Commission can approve something outside.

Commissioner Rushton asked if there is an ordinance regarding yard sales. Mr. Prestwich stated that it is part of the Home Occupation Ordinance as an exception. He explained that a yard sale can take place four days in any given year.

The applicant, Laura Watson, from Dazzling Accessories, reported that since being notified on October 29, she tracked all of her pickups over a 15-day period. She did not change how she operates her business but documented the times, what was sold, and the number of pickups. During the 15-day period, there have been 22 pickups, with the latest being at 7:15 p.m. and the earliest pickup was at 9:47 a.m. Ms. Watson was informed that she could do business until 8:00 p.m. Those wishing to meet after hours would be met outside of the neighborhood.

Ms. Watson reported that she has done two yard sales during the year. She usually does only one but did the second due to requests from her neighbors. She clarified that she does not have any deliveries unless it is for personal reasons, which are typically once per month. The complaint regarding a truck or a trailer in the road may have been due to deliveries for her renters who moved in on October 1. Ms. Watson reported that since May, there were nine times when they picked items up from a trailer. On one occasion a truck juttred out slightly into the road but never blocked traffic.

Ms. Watson stated that they try to keep the garage door closed. She further stated that when obtaining the business license, she was told that as long as the inventory is in an attached garage, it is acceptable. It would be unacceptable to be in a detached garage or a shed. She keeps her inventory in the front room and the attached garage. Ms. Watson explained that she has never sold alcohol on the premises. She received alcohol in a pallet, 11 bottles of cognac, which she gave to a neighbor at no charge.

Commissioner Rushton asked if there was an accessory dwelling unit business in the home for the renters. Ms. Watson stated that she has a one-bedroom apartment in the basement with a separate entry. Commissioner Rushton asked if that is considered an accessory dwelling unit. Ms. Watson stated that she asked about that and it was determined to meet all of the requirements. Commissioner Rushton asked if the renters are related to her. Ms. Watson stated that they are not. They are a couple who have one vehicle.

Commissioner Rushton asked if an Accessory Dwelling Unit ("ADU") is considered a home occupied business. Mr. Prestwich stated that an ADU is not a home occupation. Commissioner Rushton pointed out that Riverton limits home-based businesses to one per resident. Mr. Prestwich stated that more than home occupations are required to come before the Planning Commission as a conditional use.

In response to a question raised, Ms. Watson stated that the majority of what is sold is from customers who come and pick it up. She averages two pick ups per day

Commissioner James asked if the garage door is the only access to the sales area. Ms. Watson stated that that is not. She further explained that she has never left the garage open overnight. Ms. Watson addressed the concerns raised regarding increased crime and stated that there is a lot of construction taking place nearby where new townhomes are being built. Commissioner James asked if the business is operated with the garage door closed. Ms. Watson stated that it is more convenient and safe to open the garage door for a client as opposed to having a stranger go all the way through the house.

Ms. Watson's husband, Eric Watson, stated that the garage door is usually closed and is only open when a customer comes. Ms. Watson further explained that on occasion her children have left the garage door open, but for the most part, it is always closed.

Commissioner Hansen commented that a photograph from a citizen showed the garage door open. It showed that more than half of the floor space contains boxes and shelves of items. Ms. Watson stated that the vehicles are parked in the driveway including the vehicles owned by the renters. Her husband is gone at least four days per and the renters go to work

so her vehicle is usually the only one in the driveway. Ms. Watson stated that the third-car garage is used for storage depending on the amount of inventory she has.

Commissioner Hartley asked if there was an ordinance that allows only 50% of the garage space to be used for a home-based business. Mr. Prestwich offered to look into that.

In response to a question raised regarding the 7:00 a.m. to 7:00 p.m. hours of operation, Ms. Watson stated that she would prefer 8:00 a.m. to 8:00 p.m. She also agreed to be limited to five visitors per day. Her neighbor has an issue with her and complains about everything she does. They are overly particular and difficult.

With regard to the square footage of the garage, Mr. Prestwich read that for home occupations that are not conducted within a home, the applicant shall designate the areas in the home and the attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area, a maximum of 50% of the total floor space of any accessory structure, or attached/detached garage may be used for the home occupation. The Planning Commission may grant an exception for parcels of at least one-half acre. Mr. Prestwich reported that the lot is about 7,000 square feet and not one-half acre. In response to a question regarding occupying her business in 50% of the garage space, Ms. Watson agreed to do so but would need at least one month to sell items and clear the space.

Commissioner James asked what happens to the merchandise that is not sold within the 7 to 10-day period. Ms. Watson stated that metal items are taken to the metal recycling center. Boxes are loaded into a truck taken to the dump periodically as needed.

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

Mr. Prestwich stated that if the Commission felt like they needed to continue the public hearing on some of the items and ask for more public comments, they could include a date for those comments to be collected and submitted. Commissioner Russell asked if a public hearing can be held with no public. Mr. Prestwich answered in the affirmative and explained that the public comment involves the notices that went out. What was posted online indicated that public comment could be submitted online up until 5:00 p.m. today. Commissioner Russell acknowledged that approximately four letters were received from neighbors in addition to emails. He suggested that they be made part of the public record.

The public hearing was closed.

Commissioner Russell moved that the Planning Commission APPROVE Application PLZ-20-2035, "Dazzling Accessories" to be located at 12866 South Maple Springs Road with the following conditions:

- 1. The site structures and use shall remain in compliance with any and all applicable Riverton City standards and ordinances, specifically 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. Home Occupation must operate within the Fixed Standards and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance and this approval.**
- 4. No more than five visitors per day to visit the house for this business.**
- 5. The business hours shall be 8:00 a.m. to 8:00 p.m.**
- 6. The applicant shall be given 30 days to occupy 50% of the garage for the business.**

Commissioner Rushton commented that the basis of a home occupation is to not impact the neighborhood. Based on the public comment received, it is having an impact. He was concerned (1) that the request exceeds the garage space, (2) there is no off-street parking, and (3) he considered what is proposed to be an ongoing yard sale due to the random rotating nature of what is being sold. He did not see it as a conducive business for a home-based business.

Commissioner Russell wished to have his motion stand. He stated that a reasonable amount of time was left to allow the applicant to bring the business into compliance. Due to the hours of operation, she expected the parking to be accommodated on site. If she is in violation of the conditions listed, the neighbors can document that and the Conditional Use Permit can be revoked.

The motion was seconded by Commissioner Hartley. Vote on motion: Brian Russell-Aye, Dennis Hansen-Nay, Kent Hartley-Aye, Ed James-Nay, Grant Lefgren-Nay, Troy Rushton-Nay, Chair Gary Cannon-Nay. The motion failed 5-to-2.

Commissioner Rushton moved to DENY Application PLZ-20-2035. Commissioner James seconded the motion. Vote on motion: Brian Russell-Nay, Dennis Hansen-Aye, Kent Hartley-Nay, Ed James-Aye, Grant Lefgren-Aye, Troy Rushton-Aye, Chair Gary Cannon-Aye. The motion passed 5-to-2.

- b. SHORT-TERM RENTAL, JUSTIN WHITNEY IS REQUESTING A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL TO BE LOCATED AT 12931 SOUTH SANDY SLOPE CIRCLE.**

Mr. Prestwich presented the staff report and stated that short-term rentals were discussed last fall before a recommendation was made to the City Council. The Legal Department worked on an ordinance that was presented to the Planning Commission, a few changes were made, and ultimately the City Council approved an ordinance. This is the first application that has been submitted and is a conditional use. A copy of the ordinance was provided to the Commission Members. The property is located on the west side of the City

near 3600 West in the Summerwood Subdivision, where 40% of the lots are required to be one-third acre or greater.

Mr. Prestwich reported that the conditional use is licensed as a business, which differs from an ADU. The request can be approved by staff if the ordinance requirements are met. The owner must live in the home 185 nights per year. Rentals are limited to 150 nights per year. The request was similar to an Airbnb model. Rentals are limited to one rental agreement at a time with up to eight people who cannot stay longer than 29 days. If the property is greater than one-third acre, the back yard must be fenced. The new ordinance requires the use of off-street parking. The applicant lives in the home and will be renting out the basement on Airbnb-type of business.

Mr. Prestwich indicated that because it is a conditional use, the matter was noticed to neighbors living within 300 feet. The process was described. One of the requirements is that the applicant provide proof of compliance with existing CC&Rs associated with the property. Enforcement and legal issues were discussed. The applicant indicated that there are no CC&Rs and no HOA. Mr. Prestwich spoke to two neighbors about the request and they did not mention an HOA or CC&Rs.

Mr. Prestwich reported that the applicant, Justin Whitney, has a large driveway that will accommodate at least three cars in addition to a three-car garage. Two notices were sent to the neighbors. The first announced the public hearing and the second indicated that public comments would be not taken but invited written comments. Two phone calls were received from neighbors with questions but no one expressed objection.

Mr. Whitney reported that he works from home and will be present when renters are on site. His personal vehicles will be parked in the garage and there will be plenty of parking on-site for guests. In response to a question raised by Commissioner James, Mr. Whitney indicated that he had read the recently adopted addendum to the ordinance and he is in compliance with the requirements.

Commissioner Hansen urged Mr. Whitney to be courteous to his neighbors because if there are a significant number of complaints, the permit could be revoked. Mr. Whitney stated that he is close with his neighbors and they have known his intent for months and have been supportive.

Commissioner Rushton questioned how the City will determine 150 nights per year. Mr. Prestwich stated that it will be dictated by neighbor complaints. The applicant must provide an information sheet to all neighbors within 300 feet describing the activity that will take place on-site and provide his phone number if there are issues. There is also a provision that specifies that if there is a noise violation, the rental contract must be canceled. If there are more than three violations within any 12-month period, the business license will be revoked.

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

Commissioner James moved to APPROVE Application PLZ-20-2036, “Whitney Short-Term Rental” to be located at 12931 Sandy Slope Circle with the following conditions:

- 1. The site, structures, and use shall remain in compliance with any and all applicable Riverton City standards and ordinances specifically the City’s Home Occupation Ordinance (18.190.051) and applicable Building and Fire Codes.**
- 2. Applicant must obtain and maintain a Riverton City Business License.**
- 3. Home Occupation must operate according to the Riverton City Code for Short-Term Rentals as outlined in the Home Occupation Ordinance.**

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

Chair Cannon asked if going forward they can require that a similar request comply with CC&Rs and if so, how that would be enforced. Mr. Prestwich explained that it is a specific requirement under the short-term rental and could be further addressed with the City Attorney to determine how to track that internally and convey it to the Commission.

Commissioner Lefgren supported including the CC&Rs. As a Commission Member, he appreciates knowing whether there are CC&Rs recognizing that it is not the role of the City to enforce them.

- c. ZONE TEXT CHANGE, RIVERTON CITY IS PROPOSING AMENDMENTS TO TITLE 18 REGARDING FOOD TRUCKS.**

Development Services Director, Jason Lethbridge presented the staff report and provided the Commission with a variation of South Jordan City’s Food Truck Ordinance. As a result of feedback received at the last meeting, staff simplified the draft ordinance.

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

Commissioner Rushton moved to recommend APPROVAL of the Zone Text Change for locating and operating Food Trucks, creating Section 18.230, Mobile Food Vendors, as shown on the attached documents. Commissioner Russell seconded the motion. The motion passed with the unanimous consent of the Commission.

- d. ZONE TEXT CHANGE, RIVERTON CITY IS PROPOSING AMENDMENTS TO ITS ACCESSORY STRUCTURE ORDINANCE ADDRESSING SQUARE FOOTAGE REQUIREMENTS.**

Mr. Lethbridge presented the staff report and stated that the proposed text change pertains to the maximum allowed size for accessory structures. There are two standards in the ordinance that include the following:

1. Individual structures can exceed two times the footprint of the house; and
2. The total amount of accessory structure square footage cannot exceed 25% of the rear yard.

Mr. Lethbridge explained that the ordinance states that the rear yard area is measured from the closest point of the home to the rear property line. The challenge is that there are several different interpretations. It is also a very challenging measurement for most people to make. There is some inequity involved. Staff discussed with the Council how to address that and proposed that it be a maximum of 10% of the total lot area. It was suggested that the calculation exclude private alleys.

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

Commissioner Russell moved that the Planning Commission recommend APPROVAL of the Zone Text Change for Accessory Buildings, amending Sections 18,225.030 and 18.225.040, as shown on the attached documents with the added verbiage that a private lane be excluded from the lot square footage. Commissioner Lefgren seconded the motion. The motion passed with the unanimous consent of the Commission.

4. DECISION ITEMS.

- a. **AMENDED SITE PLAN, TONY SKANCHY IS PROPOSING AMENDMENTS TO ITS ACCESSORY STRUCTURE ORDINANCE ADDRESSING SQUARE FOOTAGE REQUIREMENTS.**

Mr. Lethbridge reported that South Hills Dental is located off of 13400 South immediately west of Bangerter Highway. The applicants are proposing to amend the east side of the site to enclose the garage area and add a small storage area. A new entrance was to be added onto the front and the curbing and landscaping along the roadway were to be replaced. The applicants recalculated the parking needs based on the new space and have sufficient parking. The same building architecture would continue into the addition. Staff recommended approval with the conditions set forth in the staff report.

Commissioner Hansen moved that the Planning Commission APPROVE the amended site plan for South Hills Dental, located at 4013 West 13400 South, as shown on the accompanying plans with the following conditions:

1. **The building materials shall be compliant with the approved plans.**
2. **Areas designated or described as “storage” shall not be utilized for any other purpose.**

3. **The site and structure shall comply with all applicable standards and ordinances of the City, including the International Building and Fire Codes.**

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

5. DISCUSSION ITEMS

a. PARKING STANDARDS IN MULTI-FAMILY ZONES.

Mr. Prestwich reported that staff was asked to investigate parking standards in multi-family developments. Over the past three to five years there has been an increasing number of multi-family developments. In some areas, the parking has worked out while it has not in others. Feedback was invited from the Commission.

Mr. Prestwich first addressed the Carden Square Subdivision located on the south end of the City. The project met the parking ordinance at the time, however, it is an area where parking has been an issue. Guest parking had also been problematic. Staff suggested that a specific standard be set. Several Commission members suggested the standard be 1.2 parking spaces per unit. Grant Lefgren commented that it should depend on whether the road is public or private. A public road that is wide enough for people to park on tends to alleviate problems. One option beyond a metric is to have the road have enough width to accommodate on-street parking. Commissioner Lefgren stated that a two-car garage with space for two cars in front is generally sufficient and alleviates the need for guest parking. A Commission Member disagreed and stated that garages are often used for storage rather than for the parking of cars, which forces parking onto the street.

It was noted that rooms are frequently rented out in townhome units, which results in too little parking. It was suggested that enforcing a certain number of parking stalls will in reality reduce the density. Parking issues and possible solutions were discussed. Commissioner Lefgren suggested that in areas where there is a problem, the number of parking spaces be increased to at least three. Wider streets will also be beneficial and accommodate on-street parking. It was noted that developments of a certain type will have different parking needs. It was suggested that a fair compromise was to increase the number of spaces and include on-street parking. Mr. Prestwich suggested setting a hard number but allow an alternative for someone to apply for a Conditional Use Permit if they feel they need less.

6. MINUTES

a. October 8, 2020

Commissioner Hansen moved that the Planning Commission APPROVE the October 8, 2020, Planning Commission Meeting minutes with the following changes:

1. **Change planner name from Tim Prestwich to Jason Lethbridge in the Mountain View Hearing minutes.**

- 2. Change planner name from Jason Lethbridge to Tim Prestwich in the Legacy Fields Plat Hearing minutes.**

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

7. ADJOURNMENT

The meeting adjourned at approximately 7:50 p.m.