

**RIVERTON CITY PLANNING COMMISSION
MEETING MINUTES
August 26, 2021**

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:

Troy Rushton, Chair
Keith Breinholt
Gary Cannon
Shelly Cluff
Brian Russell

Staff:

Tim Prestwich, City Planner
Gordon Miner, City Engineer
Ryan Carter, City Attorney

Excused:

Natalia Brown
Grant Lefgren

1. CALL TO ORDER/ROLL CALL

Chair Troy Rushton called the meeting to order at approximately 6:30 p.m. Craig Berstrom led the Pledge of Allegiance.

2. PUBLIC HEARING ITEMS

A. CONDITIONAL USE HOME OCCUPATION, “NAILS BY J’AMY” LOCATED AT 12250 LAMPTON VIEW DRIVE. APPLICANT, J’AMY WINTERS.

Chair Rushton opened the public hearing.

City Planner, Tim Prestwich, presented the staff report and stated that the above matter involves a request for a Conditional Use Home Occupation for an in-home nail salon located at 12250 Lampton View Drive. The applicant has two to three customers every other day and keeps regular hours. A home occupation currently exists on the “Shabby’s Boutique” property where most business is done through Fed Ex and internet sales. A property rendering was displayed. Mr. Prestwich reported that the Health Department is heavily involved with nail salons as is the City’s Building Department to ensure that clean air exchangers are present. Home occupation evaluation criteria were reviewed. Neighbors within 300 feet were provided notice of both Shabby’s Boutique and Nails by J’Amy. Staff recommended approval with the conditions set forth in the Staff report.

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

Chair Rushton reported that the application signatures did not match and asked for clarification. Mr. Prestwich was of the understanding that Mr. Winters completed one of the applications and Mrs. Winters completed the second.

City Attorney, Ryan Carter reported that when there is an issue with a Conditional Use application after a permit has been granted, the remedy is simply to revoke the Conditional Use Permit which would prevent any one person present on the property from using the property in a manner that is consistent with the permit. He suggested that a condition be added to requiring the applicant 30 days after a permit is granted to renew the signatures on the application in a manner that is witnessed by City Staff to ensure consistency. He stated that if someone were operating a Conditional Use Permit that differs from the actual signature on the document, revocation would be an option.

Commissioner Cannon moved to APPROVE PLZ-21-2029 "Nails by J'Amy" Home Occupation located at 12250 Lampton View Drive with the following conditions:

- 1. Home Occupation must operate within the Fixed Standards and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance and this approval.**
- 2. Home Occupation 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.**
- 3. Applicant must obtain and maintain a Riverton City business license.**
- 4. Combined vehicle trips for all home occupations may not exceed eight (8) per day.**
- 5. The applicant shall be required to update their signatures with the City's file in the presence of City Staff within 30 days of the grant of this Conditional Use Permit.**

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

B. CONDITIONAL USE HOME OCCUPATION, "DEORUM BOXING" LOCATED AT 12746 TIMP VIEW DRIVE. APPLICANT, ISMAEL GUTIERREZ.

Chair Rushton opened the public hearing.

Mr. Prestwich presented the staff report and stated that the above matter involves a request for a Conditional Use Home Occupation for "Deorum Boxing" located at 12746 Timp View Drive. The applicant has requested permission to conduct in-home boxing lessons Monday through Thursday with classes at 5:00 p.m. and 6:00 p.m. and take place in the attached garage. The first class would include up to 12 students with four students during the second class. A property rendering was displayed. Mr. Prestwich reported that Timp Drive is wide with ample room and flow for parking and drop-offs. The Home Occupation limits a garage to 50% of the total square footage. It was noted that the suggested session times overlap

and may need to be mitigated to alleviate congestion. Staff recommended approval with conditions set forth in the staff report.

Commissioner Russell noted that the Ordinance lists Fitness and Health Spa Facilities as a prohibited use. Mr. Prestwich confirmed that it is listed as a prohibited use but he was comfortable with the proposed definition as the applicant is not making permanent changes to the home. Dance studios are also an allowed use and he believed the proposal is in compliance.

Commissioner Cluff suggested limiting the number of cars as opposed to the number of students. Mr. Prestwich concurred that that option could be explored. In response to a concern regarding access, Mr. Prestwich stated that access would be through the home or the garage door.

The applicant, Ismael Gutierrez, reported that he runs a combined boxing and self-defense class for children and teens. He emphasizes the importance of building good behavior both in and outside of the studio. The second hour will focus on self-defense for women. He confirmed that a man door will provide access to the studio at the rear entrance of the garage.

Commissioner Cluff asked if the surrounding neighbors had expressed concern. Mr. Gutierrez stated that he had received positive feedback from the adjacent neighbors who looked forward to having them in the neighborhood.

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

Commissioner Cannon moved to APPROVE PLZ-21-2028 Deorum Boxing located at 12746 Timp View Drive with the following conditions:

- 1. Home Occupation must operate within the Fixed Standards and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance and this approval.**
- 2. Home Occupation 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.**
- 3. Applicant must obtain and maintain a Riverton City business license.**
- 4. The business may utilize the garage during training sessions.**
- 5. One kids/teen session of up to twelve (12) students and one adult session of up to five (5) students each day.**

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

C. CONDITIONAL USE HOME OCCUPATION, “GROOMING BY EMILY” LOCATED AT 3088 WEST ELMWOOD DRIVE. APPLICANT, EMILY FULLER.

Chair Rushton opened the public hearing.

Mr. Prestwich presented the staff report and stated that the above request involves a Conditional Use Home Occupation for an in-home dog grooming business located at 3088 West Elmwood Drive. The applicant has set aside a portion of her garage where she intends to establish as “Grooming by Emily”. Customers will park in the driveway and access the garage through the man door. A site plan was displayed. He noted that there will be no kenneling, boarding, or dog sitting services associated with the application as they are expressly prohibited in the Home Occupation Ordinance. With minimum impact and minimal vehicle trips, staff recommended approval.

The applicant, Emily Fuller, reported that she has 20 years of grooming experience. She will be providing grooming services two or three days per week with up to five dogs per day. The neighbors were supportive and anxious to schedule appointments for their own pets.

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

Commissioner Cluff moved to APPROVE PLZ-21-2027 “Grooming by Emily” Home Occupation to be located at 3088 West Elmwood with the following conditions:

- 1. Home Occupation must operate within the Fixed Standards and applicable Qualifications and Conditions as outlined in the Home Occupation Ordinance and this approval.**
- 2. Home Occupation 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.**
- 3. Applicant must obtain and maintain a Riverton City business license.**
- 4. The business may utilize up to 50% of the floor space of the attached garage.**
- 5. No boarding, kenneling, or dog sitting is allowed as part of this business.**

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

D. AMENDED SUBDIVISION, AMENDING LOT 2 OF BERGSTROM ESTATES AND LOT 17 OF GREEN HAVEN SUBDIVISION, LOCATED NEAR 11893 SOUTH VERDE VIEW COVE. APPLICANT, CRAIG BERGSTROM.

Chair Rushton opened the public hearing.

Mr. Prestwich presented the staff report and stated that the above request involves an amendment to Lot 2 of Bergstrom Estates and Lot 17 of Green Haven Subdivision located near 11893 South Verde View Cove. The applicant has proposed to amend two adjoining lots from two separate subdivisions but that share a common property line. Due to recent changes to State Code, this type of request requires approval by the Land Use Authority. Mr. Prestwich reported that Bergstrom Estates is .87 acres in size and is zoned RR-22. The Green Haven lot measures .32-acre and is zoned R-4. A property rendering was displayed. The proposal would result in two separate zonings with no fencing requirements. Because both lots meet the minimum requirements for both zones, staff recommended approval.

Chair Rushton raised a question with recent changes made by the State. Mr. Carter explained that adjusting common boundaries between lots is something that can be done administratively by the City. In the most recent Legislative Session, an amendment was made to specify that a petition for a subdivision amendment may be approved at a public hearing on the owner's petition. Notice must be given to adjoining property owners in accordance with any applicable local ordinance.

The applicant, Craig Bergstrom, stated that the lot line adjustment was previously overlooked and should have been noted on the plans 20 years earlier.

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

Commissioner Russell moved to APPROVE PLZ-21-1008 Bergstrom Estates amended. Commissioner Cluff seconded the motion. The motion passed with the unanimous consent of the Commission.

3. DECISION ITEMS

A. AMENDED SITE PLAN, WALMART MARKET FULFILLMENT CENTER, 13502 HAMILTON VIEW ROAD.

Mr. Prestwich presented the staff report and stated that the above request is for an amended Site Plan to the Walmart Market Fulfillment Center located at 13502 Hamilton View Road. The applicant is proposing a substantial change to the west side of the building to accommodate the pick up of online orders including changes to both the interior and exterior as well as expansion of the building footprint. A property rendering was displayed. The proposed parking stalls are designed to provide extra space allowing employees ample room to deliver items to the parked vehicles. A Landscaping Plan was also included. He confirmed that multiple departments have reviewed the proposed plan and staff recommended approval with the conditions set forth in the Staff report.

Chair Rushton asked if delivery is provided and if so if that service will change the retail use to a warehouse operation. Mr. Prestwich stated that delivery is an option at most Walmart locations.

Commissioner Russell commented that during his time on the Commission, he was unaware of any commercial entity where a parking island exception was approved. The requirement states that for 10 stalls, an island is required. He did not believe this should be an exception.

Commissioner Cannon considered the proposed expansion to be tight and questioned the importance of the landscaping barrier to the south. Mr. Prestwich confirmed that there is a path to the back entrance and he was concerned with the offset.

Traffic flow issues were reviewed. Chair Rushton stated that designating the location as a loading and unloading zone would allow for more flexibility with the island requirements and allow for less congested traffic flow. He believed that 45-degree parking would create fewer concerns with pulling in and backing out.

Commissioner Cluff noted that Target at The District includes 90-degree angled parking and works well.

Zell Cantrell from Galloway Architecture and Engineering stated that the 45-degree parking is unusual and 90-degree parking has become more popular for its efficiency. He noted that the 10-foot-wide parking spaces with two-foot striping allow employees access and maneuverability in and out of the 90-degree parking stalls. Access issues were reviewed.

Commissioner Russell moved to APPROVE PLZ-21-8014 Site Plan Walmart Market Fulfillment Center with the following conditions:

- 1. Fix minor Riverton City staff redline comments on the plan.**
- 2. Storm drainage systems comply with the Riverton City Standards and ordinances, and with the recommendations of the Riverton City Engineer.**
- 3. Applicant must update their Long-Term Storm Water Management Plan or Covenant to Maintain to reflect the updated site plan as required by City Ordinance.**
- 4. A Land Disturbance Permit must be issued by the City prior to any construction 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. Landscaping shall be completed or bonded for under the City's Inclement Weather Policy before a Certificate of Occupancy is granted for the new addition.**

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

B. SLR – FINAL PLAN, THE PARK AT MOUNTAIN VIEW PHASE 1, 13175 SOUTH EAGLES FLIGHT ROAD.

Mr. Prestwich presented the staff report and stated that the above request involves the SLR Final Plan for the Park at Mountain View Phase 1 located at 13175 South Eagles Flight Road. The matter had been before the Commission several times and is now in the final stages. The applicant is requesting approval of Phases 1A and 1B, which will be constructed together. All three entrances off of Eagle Flight Road will be constructed with this phase and will include connectivity between the access points. The development will be a private, gated community with most amenities being an upfront addition to the project. The Fire Department, Engineering Department, and staff have reviewed the plan and recommended approval with conditions set forth in the staff report.

Commissioner Russell moved to APPROVE PLZ-21-8013 Final Site Plan for The Park at Mountain View Phase 1 with the following conditions:

- 1. Fix minor Riverton City staff redline comments on the plan.**
- 2. Storm drainage systems comply with the Riverton City Standards and ordinances, and with the recommendations of the Riverton City Engineer.**
- 3. Applicant must update their Long-Term Storm Water Management Plan or Covenant to Maintain to reflect the updated site plan as required by City Ordinance.**
- 4. A Land Disturbance Permit must be issued by the City prior to any construction 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. Perimeter fencing for Phase 1 shall be installed as shown on the plans prior to occupancy of any housing units.**

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

4. DISCUSSION ITEMS

- A. NONE.**

5. **MINUTES**

A. NONE.

6. **ADJOURNMENT**

The meeting adjourned at approximately 7:56 p.m.