

# River Heights City

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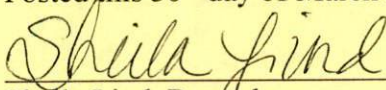
## PLANNING COMMISSION AGENDA

**Tuesday, April 3, 2018**

Notice is hereby given that the Planning Commission will hold its regular commission meeting beginning at 6:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 6:00 p.m. Pledge of Allegiance and Adoption of Previous Minutes and Agenda
- 6:05 p.m. Planning Commission Training
- 7:05 p.m. Public Hearing for a Conditional Use Permit from Steve Thunell for a Home Business at 400 South
- 7:20 p.m. Discuss Changes to the General Plan
- 8:00 p.m. Adjourn

Posted this 30<sup>th</sup> day of March 2018

  
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Sheila Lind, Recorder

In compliance with the American Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Sheila Lind, (435) 770-2061 at least 24 hours before the meeting.

# River Heights City

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## River Heights City Planning Commission

### Minutes of the Meeting

April 3, 2018

Present: Commission members: Cindy Schaub, Chairman  
Noel Cooley  
Chris Milbank  
Lance Pitcher

Councilmember Blake Wright  
Recorder Sheila Lind

Excused Commissioner Heather Lehnig

Others Present Ted Wilson, Steve Thunell

### Motions Made During the Meeting

#### Motion #1

Commissioner Pitcher moved to “approve the minutes of the March 1, 2018 Commission Meeting.” Commissioner Milbank seconded the motion, which carried with Cooley, Milbank, Pitcher and Schaub in favor. No one opposed. Lehnig was absent.

#### Motion #2

Commissioner Pitcher moved to “deny Steve Thunell’s Conditional Use Permit request based on 3-1-3, definition of a home occupation, which states the owner of the business must live in the home.” Commissioner Cooley seconded the motion, which carried with Cooley, Milbank, Pitcher and Schaub in favor. No one opposed. Lehnig was absent.

### Proceedings of the Meeting

The River Heights City Planning Commission met at 6:00 p.m. in the Ervin R. Crosbie Council Chambers on April 3, 2018.

Pledge of Allegiance: Commissioner Cooley led the group in the Pledge of Allegiance.

Adoption of Prior Minutes: Minutes for the March 15, 2018 Planning Commission Meeting were reviewed.

**Commissioner Pitcher moved to “approve the minutes of the March 1, 2018 Commission Meeting.” Commissioner Milbank seconded the motion, which carried with Cooley, Milbank, Pitcher and Schaub in favor. No one opposed. Lehnig was absent.**

Planning Commission Training: The group viewed a General Plan training video by the Utah League until 6:50 p.m.



44 Commissioner Milbank said he couldn't find in the code where it says a parking lot could be in  
45 an agricultural zone. Councilmember Wright read from 10-14-19. Conservice has requested to be on  
46 the next agenda to ask if there is a way to construct their parking lot in the agricultural zone. They  
47 feel it may alleviate neighbor concerns about a commercial building being erected in the future. The  
48 City has a Temporary Off-Street section in the code. It was pointed out that Conservice did not apply  
49 for a temporary parking permit.

50 Commissioner Schaub wondered why parking lot lights need to be so high and bright. Can't  
51 they be brought down? Commissioner Pitcher was asked if the parking lot lights seem too bright (his  
52 back yard is next to the Conservice property). He explained the parking lot is farther east than his  
53 property so it doesn't bother him. He believes Conservice has done all the City has asked, regarding  
54 the building lighting.

55 Councilmember Wright said street lights are typically tall. He suggested the Commission  
56 needs to update the City's Outdoor Lighting Ordinance (9-3) to accommodate LED lighting. He has  
57 asked two different electrical engineers to help with this. They both agreed and didn't follow  
58 through. He asked the Commissioners if they know of an engineer who could help. Commissioner  
59 Cooley said he would check with Joe Godfrey, who does consulting work.

60 Public Hearing for a Conditional Use Permit from Steve Thunell for a Home Business at 529  
61 East 400 South: Commissioner Schaub opened a discussion on Steve Thunell's request by reading his  
62 application. Mr. Thunell lives at 523 East 400 South and would like to have his accounting office in  
63 the home he owns next door to his residence, where his son lives. Ms. Schaub read from 3-1-3, which  
64 states, "The owner of the business must live in the home." She felt this may prohibit Mr. Thunell  
65 request. Commissioner Cooley asked if Mr. Thunell's son, who lives in the home, was an employee of  
66 the accounting business. He was told the son works at a different job. Mr. Cooley pointed out  
67 section 10-20-2E, which states a conditional use permit revocation could be appealed to the City  
68 Council, under certain circumstances.

69 Councilmember Wright couldn't see how the Commission could approve it. The Commission  
70 agreed.

71 **Commissioner Pitcher moved to "deny Steve Thunell's Conditional Use Permit request**  
72 **based on 3-1-3, definition of a home occupation, which states the owner of the business must live**  
73 **in the home." Commissioner Cooley seconded the motion, which carried with Cooley, Milbank,**  
74 **Pitcher and Schaub in favor. No one opposed. Lehnig was absent.**

75 Councilmember Wright pointed out another option; Steve Thunell could petition the  
76 Commission to change the code.

77 Steve Thunell arrived at the meeting and was informed that his request was denied because  
78 the code says the owner of the business must live in the home. Councilmember Wright informed him  
79 that he could request the City revisit the code.

80 Commissioner Schaub asked Mr. Thunell if he could have his business in his residence. Mr.  
81 Thunell answered the home next door is already set up with an outside entrance and an office.

82 Commissioner Milbank explained to Mr. Thunell that they have been trying to figure out how  
83 it could work. Councilmember Wright told Mr. Thunell he could appeal to the City Council, although  
84 they probably couldn't approve it either. Or, he could ask the Commission to revisit the language in  
85 the code. Mr. Thunell requested the Commission consider changing the code in a way that would  
86 allow his request.



Commissioner Schaub stated for the record, that Steve Thunells verbal request is considered an official request to change the definition of "home occupation" in 3-1-3, which would allow a home business to be on a property the owner owned, but didn't reside in.

Steve Thunell brought up the idea that they may sell the home to his son; would this mean he would need to move his business out of the home at that point? The Commission will consider this scenario when they discuss a possible revision.

Commissioner Schaub asked for this to be on the May 1 agenda when Steve Thunell will be available again.

Commissioner Milbank agreed to mull it over and bring some revision ideas to the meeting.

Discuss Changes to the General Plan: Councilmember Wright noted there are five sections in the General Plan and five members on the Commission.

Commissioner Milbank noted the training video mentioned the General Plan could project out 20 years. It was also recalled that the video said a rezone request wouldn't need to follow the General Plan. Councilmember Wright said the city attorney has said otherwise.

Commission Chair Schaub made assignments as follows:

Section 1 Introduction:	Commissioner Lehnig
Section 2 Land Use:	Commissioner Schaub
Section 3 Transportation:	Commissioner Pitcher
Section 4 Infrastructure/City Utilities:	Commissioner Cooley
Section 5 Affordable Housing:	Commissioner Milbank

Commissioner Milbank asked what the main objectives were in redoing the General Plan. Councilmember Wright felt the main thing was land use and then just updating some things. When the last revisions were done, the city wasn't aware it could project zoning on property that was not in River Heights.

Commissioner Cooley asked if the City had been granted the rights for 3 cubic feet, as discussed in the General Plan. It was unsure. Councilmember Wright stated that Bob Fotheringham, of the water district, felt River Heights had sufficient water rights.

Councilmember Wright pointed out that Commissioners Schaub and Pitcher will need to work together on Transportation and Land Use.

Councilmember Wright reminded of the suggestion to invite the public to be involved. He felt it would be best to wait until there was something to show them.

Councilmember Wright will check with the city attorney to see if he wants to direct the revision process. Attorney Jenkins said he was going to provide a revision checklist but hadn't yet.

Recorder Lind asked the Commissioners if they were able to access Google Drive for the meeting packet. They affirmed they were, therefore Ms. Lind will no longer mail the packets, but rather will email and use the Drive.

The next meeting agenda will start at 6:00 with another training and cover a discussion on the General Plan introduction and Land Use. They hope to get information out to the public for their involvement after three meetings.

Ted Wilson liked the idea of the flyer.

Councilmember Wright informed of "Guiding Principles of the General Plan" and suggested they include the information in the introduction of the city's Plan.

131 The meeting adjourned at 8:05 p.m.

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Cindy Schaub, Commission Chair

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Sheila Lind, Recorder

River Heights City  
Conditional Use Application

For office use	
Date Received	Mar 19, 2018
Receipt #	100.00
Hearing Date	Apr 3, 2018 7pm
Approved	Denied

Please fill out all applicable information.

1. APPLICANT

Name: Steven J. Thunell

Mailing Address: 523 E. 400 S.

Phone #: [REDACTED] Fax #: [REDACTED] e-mail: [REDACTED]

Please check one of the following:  owner  buyer  renter  agent  other

2. PROJECT INFORMATION

Name: Steven J. Thunell

Address/Location: 523<sup>529</sup> E. 400 S., River Heights.

Property Tax ID: 02-024-0035 Existing zone: \_\_\_\_\_

What is the current use of the property? Residential

How many employees will be working at this location including applicant, immediate family members, and non-family members? 2

How many vehicles will be coming and going daily, weekly, or monthly? ~ 5/week most of the year  
~ 20/week during my tax season

I agree to abide by the River Heights City Parking Ordinance (10-13). Initial [Signature]

I agree to abide by the River Heights City Sign Ordinance (10-14). Initial [Signature]

Description of Request: I want to move the office of my Accounting and Tax Practice into the basement of the home that was my mothers and now belongs to Jami & I. Currently my son David and his wife Eryn are renting the home and will continue to do so. My parents operated their photo business out of the home from the basement. There s a basement entrance on the west side. There is room to park 2 cars side by side in the driveway. Most of the time there would not be more cars than that there at the same time.