

River Heights City

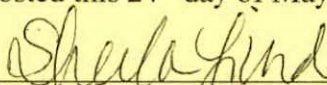
PLANNING COMMISSION AGENDA

Tuesday, May 29, 2018

Notice is hereby given that the River Heights City Planning Commission will hold its regular commission meeting beginning at 7:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 7:00 p.m. Pledge of Allegiance and Adoption of Previous Minutes and Agenda
- 7:05 p.m. Public Hearing for a Kennel Conditional Use Permit Request - Sarah Johnson of 725 E 350 S
- 7:20 p.m. Discuss Code Changes (home occupation definition, define a new commercial parking zone, fence heights, landlord utility service agreement)
- 8:30 p.m. Adjourn

Posted this 24th day of May 2018



Sheila Lind, Recorder

Meeting attachments, drafts of previous minutes and audio recordings can be found on the State's Public Notice Website (pnn.utah.gov)

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

River Heights City Planning Commission
Minutes of the Meeting
May 29, 2018

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

Councilmember Blake Wright
Recorder Sheila Lind

Others Present: Jonathan and Sarah Johnson

Motions Made During the Meeting

Motion #1

Commissioner Pitcher moved to “approve the minutes of the May 15, 2018 Commission Meeting.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.

Motion #2

Commissioner Pitcher moved to “approve the Kennel Conditional Use Permit for Sarah Johnson of 725 East 350 South for four dogs with the condition that when the Johnson’s move, the permit will go away.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on May 29, 2018.

Pledge of Allegiance: Commissioner Schaub led in the Pledge of Allegiance.

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

Commissioner Pitcher moved to “approve the minutes of the May 15, 2018 Commission Meeting.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.

Public Hearing for a Kennel Conditional Use Permit Request – Sarah Johnson of 725 East 350 South: Commissioner Schaub read the application. Ms. Johnson informed that she just recently found out they needed to get a kennel permit for their four dogs. At Ms. Schaub’s request she said they own an English Bulldog, Labra doodle, Chihuahua mix and Boston Terrier. She explained how

45 they didn't start out with four dogs. Each of their children have one. One dog will leave when their
46 daughter goes away to school in a couple years. Ms. Johnson works from home and the dogs are
47 nearly always inside. When they need to leave their home they kennel the dogs inside. They have
48 recently purchased bark collars because they sometimes bark outside through the fence at the
49 neighbor's dog. If they hear their dogs bark, they immediately get them back inside. They have lived
50 in their home about six years.

51 Commissioner Milbank pointed out they need to follow the City's code for a kennel permit.

52 Commissioner Schaub asked if there had been any complaints about the Johnson's dogs.

53 Recorder Lind said there was one last year, a neighbor said the Johnson's had a bunch of dogs.

54 Ms. Schaub suggested, after one dog dies, they don't get another one. The Johnson's were
55 fine with that. Commissioner Milbank said that seemed arbitrary to him. If they get approval for four
56 and stay in compliance, he feels they should be able to have four. Commissioner Cooley agreed and
57 didn't see a problem with four dogs, as long as they don't become a nuisance.

58 **Commissioner Pitcher moved to "approve the Kennel Conditional Use Permit for Sarah
59 Johnson of 725 East 350 South for four dogs with the condition that when the Johnson's move, the
60 permit will go away." Commissioner Lehnig seconded the motion, which carried with Cooley,
61 Lehnig, Milbank, Pitcher and Schaub in favor. No one opposed.**

62 Discuss Code Changes (home occupation definition, define a new commercial parking zone,
63 fence heights, landlord utility serve agreement): Commissioners Milbank and Schaub discussed their
64 proposed changes to the Home Occupation definition.

65 After much back and forth discussion on how to word the home occupation license definition
66 and a number of different scenarios that could arise, they decided to add Letter J to 5-1-4:A.1 (as a
67 reason for a conditional use permit) as follows:

68 J. Business location: If an owner doesn't reside in the home where business is conducted.

69 They also removed: "the owner of the business must live in the home" from the Home
70 Occupation definition listed in 3-1-3 and 10-2-1 and replaced it with: "The exterior of any home based
71 business shall maintain the appearance of a residential dwelling at all times."

72 Recorder Lind explained the reason for the inclusion of the landlord utility service agreement
73 verbiage; the City requires all landlords to fill one out so it needs to be stated such in the code. A
74 few minor changes were made to the proposed verbiage.

75 Councilmember Wright explained the fence changes, which were discussed.

76 Recorder Lind was asked to research the reason for "sideyard on a street (corner lot)" found in
77 10-12-2 and adopted in March of 2018.

78 Councilmember Wright asked the Commission if they'd like to reconsider not allowing 6 foot
79 fences in a rear yard on a street. When driving down a street it feels closed in if there are 6 foot
80 fences all along the road. He (and others) felt a 4 foot fence would give a more open feel.

81 Commissioner Cooley didn't feel it was fair to take away a person's right for privacy just
82 because a rear yard was on a street.

83 Commissioner Milbank also sympathizes with the property owner. Why should the drivers
84 have more enjoyment than the property owners?

85 Commissioner Cooley suggested a landscaped buffer between the sidewalk and fence. The
86 Commission liked this idea and agreed to look into it. Commissioner Milbank asked who would own
87 this land and maintain it. This is yet to be determined.

88 They all agreed on the importance of retaining a clear view of intersecting streets.

89 Commissioner Cooley discussed his draft for a new commercial parking zone. He feels there
90 should be references to landscaping and lighting. He assumed a potential parking lot would still need
91 to meet parking requirements (10-14).

92 Commissioner Schaub asked where the historic landmark overlay zone was in the code. She
93 explained it was very specific and wanted to use it to help draft a commercial parking zone. Recorder
94 Lind will find it and send it out to the Commissioners to review.

95 Commissioner Milbank asked why the City is being so accommodating to Conservice, other
96 than we want to be nice. Why can't the City deny their request for a parking lot?

97 Commissioner Pitcher named off a number of properties that Wasatch has purchased in the
98 700 South area. It seemed to him they have other resources for parking.

99 Commissioner Lehnig informed that her husband works at Conservice. She wondered how
100 many employees they said they were planning on in the beginning. If they have gone over this
101 number, they have caused the parking problem themselves and are throwing it on River Heights.
102 Commissioner Pitcher agreed and wondered why the City is giving in to them.

103 Councilmember Wright stated Conservice met the minimum requirement for parking when
104 they built. He pointed out there is already a pedestrian problem on the corner of 700 South 100 East.
105 They could put a parking garage on their current parking lot (which is zoned commercial). People are
106 wanting them to solve their own parking problem; they are trying to with this River Heights property
107 they own.

108 Commissioner Schaub suggested they mull this new zone over more, after looking at the
109 historic landmark overlay zone to get ideas.

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

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114 _____
Sheila Lind, Recorder

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116 Cindy Schaub, Commission Chair

Public hearing date: May 29

River Heights City Kennel Conditional Use Permit Application The Keeping of Three or More Dogs

Name of Dog Owner: Sarah Johnson & Jonathan Date: 5/7/18

Phone #: [REDACTED] Email: [REDACTED]

Address: 725 E 350 S. River Heights 02-140-0022

Number of dogs requested: 4 Property for animal support (sq ft): .45 acres

Description of shelter provided, care of animals, etc: All dogs are indoor.
5 adults live in the home and rotate
cleaning the yard daily. Dogs are kenneled
when all people leave the home. We have
also recently purchased bark collars. The dogs
are usually not out more than 10-15 min
but will bark at neighbor dogs through the fence

Application fee is \$100 and is nonrefundable.

Date paid 100.00 Check number 1261 By SJ

After receipt of the application and fee, the city will schedule a public hearing with the Planning Commission, within one month. Neighbors within 300 feet of your property will be notified of your request, intent and of the hearing.

If granted, the conditional use permit shall be on indefinite duration, non-transferrable but subject to revocation for violation of City Code or regulation, or failure to meet imposed conditions. Revocation will be only by majority vote of the River Heights City Council after written notice to the permit holder has been served and a hearing has been held.

Code Changes for Discussion – May 29, 2018

3-1-3 Home Occupation Definition: remove "the owner of the business must live in the house."

3-1-3 and 10-2-1 (home occupation definition)

A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence and the owner of the **business** must live in the home.

If a person owns 2 residential properties adjacent to each other, the property owner may conduct business in the non-owner occupied property adjacent to his principal residence. Only one of those homes may be used for a home occupation. The Conditional Use Permit attached to the property will become void when the business owner moves from the home.

The exterior of any home based business shall maintain the appearance of a residential dwelling at all times.

8-1-6: LANDLORD UTILITY SERVICE AGREEMENT

Landlords are required to ^{sign the RHT} submit a Landlord Utility Service Agreement ^{as held in the RHC Office} for each property they rent in River Heights, ~~whether or not the renters have the utilities in their name.~~

10-12-2: AREA REGULATIONS (fences and walls)

Revisit rear yard on a street – 6 feet in all zones

Revisit side yard on a street (except corner lot) – is this possible?

10-13-15: CLEAR VIEW OF INTERSECTING STREETS

... Trunks of trees, ~~fence posts~~, light or telephone poles or other small vertical protrusions not more than twelve inches (12") in diameter shall be permitted.

Title 10

Add new commercial parking zone

10-4-1

Add C-2 Commercial zone parking

Chapter 22: COMMERCIAL PARKING

SECTION

10-22-1 Intent

10-22-2 Site Plan Review Required

10-22-3 Architectural Standard

10-22-4 Site Development Standard

10-22-1 INTENT

The intent in establishing the commercial zone parking is to provide a place where retail and service uses can be constructed and maintained which will serve the needs of the citizens of the area. It is the further intent in establishing this zone to promote its limited and controlled development, which is designed to be compatible with residential development. The uses characteristic of this zone are retail stores, banks, office buildings, theaters and a wide variety of specialty shops. The parking area established in this zone must be adjacent to existing parking established in the commercial zone as defined in chapter 10-8.

10-22-2: SITE PLAN REVIEW REQUIRED

The purpose of the site plan review is to implement general plan goals and to enhance and encourage compatible development within the proposed neighborhood. The planning commission shall review and approve all commercial parking site plans and follow the application, hearing, notice and appeals procedure as outlined in the subdivision ordinance. Final approval of the site plan is vested with the city council, after approval by the planning commission. No building or structure with the exception of solar panels, shall be constructed in this zone.

10-22-3: ARCHITECTURAL STANDARDS

The commercial parking zone site shall be designed in accordance to chapter 10-14 Parking requirements.

10-22-4: SITE DEVELOPMENT STANDARDS

The commercial parking zone site shall be constructed in accordance to chapter 10-14 Parking requirements.