

River Heights City

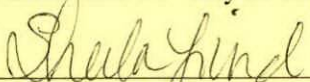
PLANNING COMMISSION AGENDA

Tuesday, September 18, 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. Cascio Conditional Use Permit – Additional Uses Request
- 7:15 p.m. Discuss a No-Fault Utility Claim Ordinance
- 7:25 p.m. Discuss Park Strip Install and Maintenance Ordinance
- 7:35 p.m. Discuss the Creation of a Parking Zone
- 8:15 p.m. Adjourn

Posted this 13th day of September 2018



Sheila Lind, Recorder

Meeting attachments, drafts of previous minutes and audio recordings can be found on the State's Public Notice Website (pmn.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
September 18, 2018

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6 Present: Commission members: Cindy Schaub, Chairman
7 Noel Cooley
8 Heather Lehnig
9 Chris Milbank
10 Lance Pitcher
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12 Councilmember Blake Wright
13 Recorder Sheila Lind
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15 Others Present Dave Rhodes, Brian, Brittany and Avery Cascio
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18 Motions Made During the Meeting
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20 Motion #1

21 Commissioner Milbank moved to “approve the minutes of the August 21, 2018 Commission
22 Meeting with the change discussed.” Commissioner Lehnig seconded the motion, which carried with
23 Cooley, Lehnig, Milbank, and Schaub in favor. No one opposed. Pitcher was absent.
24
25

26 Proceedings of the Meeting
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28 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council
29 Chambers on September 18, 2018.

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

31 Adoption of Prior Minutes and Agenda: Minutes for the August 21, 2018 Planning
32 Commission Meeting were reviewed. On line 49; “LED output is specified in lumens, not foot
33 candles.” was added at the end of the sentence.

34 **Commissioner Milbank moved to “approve the minutes of the August 21, 2018 Commission
35 Meeting with the change discussed.” Commissioner Lehnig seconded the motion, which carried
36 with Cooley, Lehnig, Milbank, and Schaub in favor. No one opposed. Pitcher was absent.**

37 Cascio Conditional Use Permit – Additional Uses Request: Brittany Cascios had sent an email
38 requesting permission for additional uses at their photo studio at the historic Sinclair Gas Station.
39 Ms. Cascio explained they have had requests for use of the building for classes, etc. The idea is
40 appealing to them because it would help supplement their income. They have posed the question to
41 their group of friends on social media and have received the following interest: craft or art classes,
42 yoga classes, wedding and baby showers, Christmas parties, luncheons, weddings, etc. Their number
43 one concern is to keep the neighbors happy by limiting the number of cars parked. They would like

44 the uses to benefit the community as well as supplement their income. She discussed parking and
45 how they have tried to control it. They don't have lines painted so each group parks differently.

46 Commissioner Pitcher arrived at 7:15 p.m.

47 David Rhodes lives at 455 E 600 S, a few houses east of the Old Gas Station. He said the
48 Cascios have been holding dinners in the building. Specifically, on September 15 there were over 20
49 cars up and down the streets in all directions. It was chaotic with people coming and going. They
50 have been doing these events before they had permission. In reviewing the ordinances, he has found
51 conflicts in what is currently going on, which is disrupting the neighborhood. He is concerned things
52 could get worse and thinks they have already gone over the line.

53 Brittany Cascio explained there were two events going on at the same time on the 15th. There
54 was a photography workshop inside and she was doing a photo shoot outside. She agreed it was
55 chaotic because of the number of people. She explained how she tried to keep it as contained as she
56 could, but it was a weekend evening with the addition of regular traffic. David Rhodes found this
57 information irrelevant to the disruption to the neighborhood. In looking through the ordinance, Mr.
58 Rhodes has found five areas in which they are currently crossing the line.

59 Commissioner Schaub said she wants to discuss this further at the next meeting. She asked
60 the Commissioners to review the request and mull it over before the next discussion.

61 Councilmember Wright pointed out, Mr. and Mrs. Cascio have addressed a number of uses
62 they would like to be considered. They were asked what their top three choices would be. Ms.
63 Cascio answered based on the number of requests they have received and the uses she feels fit best
64 with the current use: floral classes, photography classes and she wasn't sure on the third choice.

65 Brian Cascio suggested the events be restricted by the number of people, rather than the
66 actual event. They don't want to exceed the number of people the fire code allows.

67 Commissioner Milbank asked David Rhodes how many times he has been bothered by the
68 events going on. Mr. Rhodes has noticed traffic issues 5-6 times, not that it was very bothersome,
69 until the event on the 15, because of the large number of cars.

70 The Cascios and Mr. Rhodes took leave of the meeting.

71 Commissioner Lehnig suggested if they had an event which brought in more than six cars, the
72 overflow could be allowed to park at the Old Church or in the City parking area, which are a block
73 away.

74 Commissioner Pitcher pointed out there were a number of old cars and photo shoots during
75 the weekend of the Cruise In. This wasn't an event the Cascios had any control over.

76 Discuss a No-Fault Utility Claim Ordinance: Councilmember Wright felt this discussion should
77 be held with the City Council. They have already had discussion about it, which the Commission was
78 not privy to. Therefore, the Commission will not address this item.

79 Discuss Park Strip Install and Maintenance Ordinance: Commissioner Schaub said the mayor
80 has requested more detail on the definition of "maintenance," which would help him enforce the
81 ordinance. He's hoping for clarification by spring.

82 Commissioner Cooley pointed out the use of the word "shall" in the landscaping rights of way
83 ordinance (10-15-6). An example was, "Street trees *shall* be planted within the parkstrip . . ." He
84 wondered if it truly meant "required" or if it actually meant "may." If it means required, how soon
85 does it need to be done? It was brought up that "shall" means expressing a command, "may" is
86 permissive. Mr. Cooley pointed out there are only a couple properties in the new subdivision with

87 trees planted in the park strip. Some have rocks and plants but not trees. Councilmember Wright
88 suggested sending notices to remind homeowners of the code language.

89 Commissioner Schaub asked for ideas on a definition of "maintain." The Commissioners were
90 unsure.

91 Commissioner Lehnig pointed out there are current ordinances which are not being enforced,
92 such as trash trees growing within the 40 foot cite triangle on corner lots.

93 Councilmember Wright pointed out the mayor is asking for clarification so he can address un-
94 maintained properties.

95 Commissioner Schaub asked the group to think about it for the next meeting. Commissioner
96 Milbank was willing to dive into the topic and have something to discuss in two weeks.

97 Discuss the Creation of a Parking Zone: Commissioner Schaub led the continued discussion
98 regarding the parking ordinance.

99 Commissioner Lehnig took leave of the meeting at 8:30 p.m.

100 They finished reviewing the full ordinance and decided to hold a public hearing at their next
101 meeting.

102 Councilmember Wright pointed out his discovery of 10-15-12, which gave a definition of
103 maintenance. They suggested pointing the mayor to this ordinance to see if it will give him the
104 clarification he needs.

105 The meeting adjourned at 8:40 p.m.

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Cindy Schaub, Commission Chair



Sheila Lind, Recorder

Station Studio sent this by e-mail on Sep 6

To the River Heights Planning Commission,

We wanted to take this opportunity to discuss adding more variety to what we can offer at our studio. We have had an increase in requests to host other creative type classes/workshops/small events and we think if controlled properly, could be a perfect addition to the community. We already feel like our station has become a little gem here in River Heights and we love the idea that our neighborhood and others in Cache Valley could gather together in our space. Some ideas we have discussed is floral arranging, calligraphy, watercolor/painting, photography/lighting, small business workshops, limited parties/luncheons/dinners and more.

Last winter we hosted a Christmas wreath making class and we had such a great response. Kristina Eck (from Providence) came with her two daughters and asked for us to please do it again this year. She loved the idea of making it a tradition with her girls. While our main focus will always be using the space as a natural light studio, we can also see the value of using it to bring others together for creative and celebratory purposes.

Another use we would like to review with you is the option of yoga in our studio. This has been asked multiple times since we opened and we feel it could be a nice fit if approved. We would start out with offering a class once a month with a max of 1 class per week later down the road if it's well attended. We feel like the nature of yoga being adults and quiet, it could be easily added.

Now of course the biggest thing we would want to address would be the issue of parking. Typically when we have larger shoots at our studio we have been very vigilant on relaying our parking policy with any renters and also ask them to pass along the info to their clients. We often monitor the situation as people arrive to make sure that rules are being followed as best as we can. We usually provide this as an example in our emails

Parking: There is a limit of 6 parked cars on the property. Once those are maxed out please use available street parking EAST of the building along 600 South. Cars parked elsewhere will be asked to move. Please respect the driveways and homes in this neighborhood.

We understand the need to keep our neighbors happy and that our station be a positive addition to this part of River Heights.

With each class/workshop/small event we would be limiting the amount of people who can attend to help keep the amount of cars as low as possible. Also we take into account that most people are coming in pairs or carpooling which can also help. We would be happy to answer as many questions as needed to help make everyone feel informed and comfortable with making these changes to our studio. Thank you for your time and consideration!

Sincerely,

Brittany and Bryan Cascio of Station Studio.

Conditional Use Permit Agreement

THIS CONDITIONAL USE AGREEMENT is made by and between Brittany and Bryan Cascio of [REDACTED], River Heights, Utah (Permittee) and River Heights City (City), a Utah municipal corporation.

WHEREAS, Permittees desire to run an on-site photography studio at 594 South 400 East, and

WHEREAS, the City requires a Conditional Use for the desired request, and

WHEREAS, a public hearing was held by the Planning Commission on December 21, 2016;

THEREFORE, the City voted to grant Permittees a Conditional Use Permit subject to:

1. The provisions of the Historic Landmark Overlay Zone Ordinance.
2. A 150% security of performance bond in place, as approved by the city engineer, to cover all exterior improvements not completed, including the remediation of the underground storage tanks.

Dated this 6th day of February, 2017

RIVER HEIGHTS CITY:

[Signature]
Blake Wright, Council Member

[Signature]
Mark Malmstrom, Commission Chair

PERMITTEE (Signature must be notarized):
notarized):

[Signature]
Brittany Cascio

2/8/17
Date

PERMITTEE (Signature must be

[Signature]
Bryan Cascio

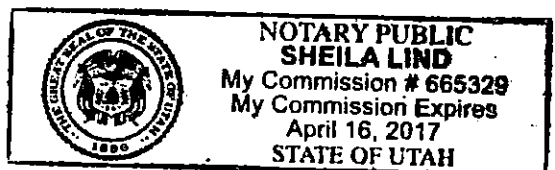
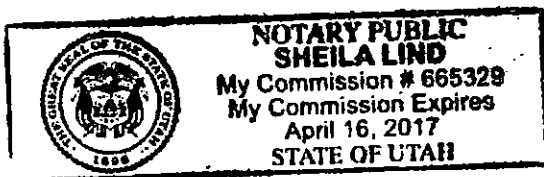
2/8/17
Date

State of Utah)
County of Cache)

State of Utah)
County of Cache)

Sworn and subscribed to before me this 8
day of February 2017 by
Brittany Cascio
Sheila Lind
Notary Public

Sworn and subscribed to before me this 8
day of February 2017 by
Bryan Cascio
Sheila Lind
Notary Public



Park strip install and maintenance update to the ordinance.

10-5-3:E. and 10-6-2

All park strips (the area between the property line and street that is not hardscape) adjacent to the front, side or rear yard of a lot shall be landscaped and maintained by the owner of the property immediately adjacent to the park strip. The landscaping and maintenance of the park strip shall be at the expense of the adjacent property owner. (Ord. 0-01-13, 1-11-2005, eff. retroactive to 11-26-2002)

10-15-6 LANDSCAPING RIGHTS-OF-WAY

All streets either public or private shall provide a planted landscaped strip to city specifications, and be perpetually maintained by the adjacent property owner. Plantings within the right-of-way or park strip will not count towards meeting the performance landscape requirements of 10-15-5.

- A. Street trees shall be planted within the parkstrip along both sides of all streets every thirty (30) feet on center. If no parkstrip exists, trees shall be planted adjacent to the roadway edge, where a parkstrip would exist, if possible. Tree size and species shall be approved by the city. (1-2015, 6-23-15)
- B. Residential park strips shall be planted with live plant material to a minimum of fifty percent (50%). When calculating park strip coverage percentage areas, plants may be measured at mature spread excluding street trees. Shrubs and other plant material located within the park strip should not exceed three (3) feet in height at maturity. Potential hazardous plant material containing thorns or spikes shall be prohibited in the park strip.
- C. Stone, gravel, mulch, or other decorative hardscape materials shall consist of less than fifty percent (50%) of the parkstrip area. Decorative boulders and similar features shall be less than eighteen (18) inches in height. Poured concrete, asphalt or other similar solid surface paving is prohibited within the parkstrip with the exception of driveway approaches and adjacent commercial uses.
- D. Landscaping and any other surface material located within the right-of-way between the edge of traveled way and the property shall not be used for the storage, sale, or display of merchandise without the written permission of the city.

Park Strip Install and Maintenance Ordinance . . .

Todd Rasmussen

Sep 13

to Cynthia, Sheila, Blake

To be clear, I am willing to wait until later in the year. We should have something finalized by spring so we can address with property owners. I am suggesting we don't do anything more strict, but detail what "maintain" means. I don't have anyway to cite or police the issues we have because it is up to my opinion on what "maintain" means. The home on 6th east and 3rd south is a good example: Their weeds are considered beautiful to them, but maybe "non maintained" by others. Who's opinion is right?

The other thing that needs to be explored are those areas that are in the back yard, but in the park strip. Are all residents responsible to maintain ALL areas that are adjacent to the roadway or just those in the front and side yards? Right now, the city is taking care of some back yards to the street, but yet we require others to maintain the back yard strips.

Just two clarifications that need to be studied and clarified in the code.

Chapter 22: SPECIFIC COMMERCIAL ZONE PARKING (CZP)

SECTION

(Working Copy for 9-4-18)

- 10-22-1 INTENT
- 10-22-2 PURPOSE
- 10-22-3 PERMITTED USES
- 10-22-4 CONDITIONAL USES
- 10-22-5 PRELIMINARY DESIGN AND SITE REVIEW REQUIRED
- 10-22-6 DESIGN STANDARD
- 10-22-7 LANDSCAPING REQUIREMENTS
- 10-22-8 WALLS, FENCES, AND SCREENING
- 10-22-9 OUTDOOR/ PARKING LOT LIGHTING
- 10-22-10 SENSITIVE AREA OVERLAY ZONES
- 10-22-11 SNOWPLOWING/STORAGE OF PLOW/ NOISE RESTRICTIONS/HOURS
- 10-22-12 SETBACKS
- 10-22-13 FINAL PLANS/TIME FRAME
- 10-22-14 RESTRICTIONS OF ZONING
- 10-22-15 SUPPLEMENTARY REGULATIONS

10-22-1: DECLARATION OF LEGISLATIVE INTENT

It is the intent of the City of River Heights to establish a COMMERCIAL PARKING ZONE (CPZ). This use is to minimize disruptions and is not to conflict with the atmosphere of the surrounding residential neighborhood.

10-22-2: PURPOSE: Provide additional one level parking area for an established adjacent commercial properties use.

10-22-3: PERMITTED USES: Parking only.

10-22-4: CONDITIONAL USES: None.

10-22-5: PRELIMINARY DESIGN AND SITE REVIEW REQUIRED

Prior to any formal request to rezone property to the Commercial Parking Zone, a **preliminary project plan** shall be submitted for review and recommendation to the City.

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, Title 11, Chapter ~~494~~ Final approval of the site plan is vested with the City Council, after recommendation by the Planning Commission.

Said preliminary project plan shall be drawn to scale and shall contain the following information:

- A. Location of all existing ~~and~~ buildings and structures on the site, including an indication of the proposed uses;
- B. The location of all parking spaces, driveways, and points of vehicular ingress and egress;
- C. A conceptual landscaping plan showing planting materials to be used together with the location of fences, walls, trees, hedges, and decorative materials shall be provided.

10-22-6: DESIGN STANDARD

A. The commercial parking zone site shall be designed in accordance to chapter 10-14-3 (Street and Roadway Parking Standards); 10-14-4 (Parking Lot Requirements) Parking requirements.

B. All parking spaces shall be hard surfaced with asphaltic cement, or of concrete composition and shall have paved access from a public street.

Parking Lot Surface: Parking lots shall be paved with a surface material of asphalt or concrete composition and shall be graded to ensure proper drainage of stormwater.

C. Curb and Gutter: All parking lots shall be finished with curb and gutter around the perimeter with adequately placed stormwater inlet boxes to collect stormwater.

10-22-7: LANDSCAPING REQUIREMENTS

The following landscaping provisions shall apply in the Commercial Parking Zone:

A. The areas adjacent to a public street shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. The landscaping plan shall be approved by the City Council as to type, size and amount of landscaping.

B. Plantings: Plantings in front setbacks may not impede the vision of traffic.

C. Parking Areas: Parking areas shall be landscaped around the periphery and at the end parking rows in accordance with the landscaping plan approved as part of the project plan approval procedure. Landscaping shall adhere to the existing Landscaping regulation in accordance with Chapter 10-15-8, Parking Lot Landscaping.

D. A minimum of a Fifteen (15') foot landscaped perimeter buffer is required if the Commercial Parking lot is adjacent to any residential zone.

non-commercial

10-22-8: WALLS, FENCES, AND SCREENING

A. Fencing: The Commercial Parking Zone area shall be fenced around the periphery of the area adjacent to a residential and/or agricultural zone with a Six (6') foot non-transparent architectural style fence. Style must be approved by the City Council.

B. Recommended fence materials: Finished block, precast stamped concrete, decorative vinyl, stone

C. Fence Materials not allowed: Base vinyl, chain link with or without slats, concrete freestanding barriers, razor wire, barbed wire, highly reflective material.

or metallic fencing or wall

10-22-9: OUTDOOR/PARKING LOT LIGHTING

- A. Parking lot lighting shall be provided to meet industry standards for outdoor lighting of the intended use. (5-2014, 8-26-14) (Title 9, Chapter 3).
- B. Solar Panels permitted. **(See Title 9-4)**
- C. Parking lot lighting shall be compliant with the International DARK-SKY Association Joint IDA-IES Model Lighting Ordinance (MLO). See <http://darksky.org/our-work/public-policy/mlo/>.
- D. ~~Use "warm" lighting as recommended by the International DARK SKY Association.~~
- E. ~~No light trespass.~~
- F. ~~Maximum light pole height to be 20' (twenty) feet.~~
- G. + Add LED Verbage – look at other cities – photocell design.

D & E from paper.

10-22-10 : SENSITIVE AREA OVERLAY ZONES

The Commercial Parking Zone shall adhere to the Sensitive Area Overlay Zone ordinance setforth in Title 10, Chapter 11.

10-22-11: SNOW PLOWING/STORAGE OF SNOWPLOW/NOISE RESTRICTIONS/HOURS

- A. All snowplow equipment shall be stored within an enclosed building. The storage building shall be within the required setbacks, ~~and not visible from any public right of way.~~
~~(Ord. 1-22-2002)~~
- B. If an existing building is found to be unsafe, the building can be rebuilt on the same site and in the same footprint as the original building.
- C. ~~Hours of operation of snowplow: Same as current City Code?~~ *10-14-8 E.*

10-22-12: SETBACKS ~~(Noel indicates this is covered in 10-22-10)~~ *The commercial parking zone shall adhere to the setback requirements set forth in 10-12-2 B.*

10-22-13: FINAL PLANS/TIME FRAME

- A. All final plans must be approved by the City Council after a formal recommendation from the River Heights Planning Commission ("Commission").
- B. Upon approval of a final site plan by the City Council, no building or uses of land other than those depicted on such plan shall be permitted.
- C. Any failure to submit a final project plan within one (1) year from date of submission of the preliminary project plan shall terminate all proceedings and render the preliminary plan null and void.
- D. Completion of the parking lot must be completed within one (1) year from the date the final approval plan is signed by the City Council.

10-22-14: RESTRICTIONS OF ZONING

Street level parking only.

Passenger vehicle parking only. No buses, RV's, heavy equipment, or other such large modes of transportation allowed.

No signage on property. No billboards, no media advertising. (*Read current Sign Ordinance*)

No overnight parking. (*Noel suggests striking this.*)

No building, structure, or parking garage shall be constructed in this zone.

No dust, odor, smoke, vibration, intermittent light, excessive light, glare or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

10-22-15: SUPPLEMENTARY REGULATIONS

Uses within this zone shall also comply with the applicable requirements set forth in the provisions of the land use ordinance.

THIS ONE.

10-22-14: RESTRICTIONS OF ZONING

Street level parking only. ↗

~~Passenger vehicle parking only. No buses, RV's, heavy equipment, or other such large modes of transportation allowed.~~ ↗

~~No signage on property. No billboards, no media advertising. (Read current Sign Ordinance)~~

~~No overnight parking. (Noel suggests striking this.)~~

No building, structure, or parking garage shall be constructed in this zone.

~~No dust, odor, smoke, vibration, intermittent light, excessive light, glare or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.~~

3. Parking Areas shall be used solely for the parking of licensed, motor vehicles in operating condition.

4. Spaces may not be used for the storage of vehicles, boats, motor homes, campers, mobile homes, or building materials. buses,

except grounds maintenance storage,

10-22-15: SUPPLEMENTARY REGULATIONS

~~Uses within this zone shall also comply with the applicable requirements set forth in the provisions of the land use ordinance.~~

Additional verbage found from City of Logan's website:

F }

- ~~1.~~ All site lighting shall be "dark sky friendly" and all exterior lighting shall be configured to conceal the source of light from public streets.

D. ~~X~~ Require adequate lighting that improves safety while mitigating unnecessary glare, sky glow and light trespass. The pole height is limited to 10' feet and luminaire fixtures are to be concealed source, down-cast and shielded from neighboring properties. Light measurements are required to range between 0.5 – 4.0 foot candles, so areas are sufficiently safe, but not excessively bright.

~~E.~~ ~~X~~ Up-lighting is not permitted, except as approved through design review for highlighting signature landscape features or building elements.