

River Heights City

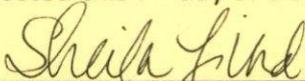
River Heights City PLANNING COMMISSION AGENDA

Tuesday, December 12, 2023

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Pledge of Allegiance
- 6:32 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Comment on Land Use
- 6:40 p.m. Public Hearing to Discuss a Conditional Use Permit Request from Ardent Management to Use 594 S 400 E as a Property Management Office
- 7:10 p.m. Public Hearing to Discuss a Kennel Conditional Use Permit Submitted by Tyler Morgan, of 661 E 500 S, to have Three Dogs on the Property
- 7:45 p.m. Discuss a Code Revision Regarding Short Term Rentals
- 8:00 p.m. Adjourn

Posted this 7th day of December 2023



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/86966007020>

Attachments for this meeting and previous meeting minutes 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
December 12, 2023

Present: Commission members: Noel Cooley, Chairman
Heather Lehnig
Cindy Schaub, electronic
Troy Wakefield

Councilmember Blake Wright
Recorder Sheila Lind
Tech Staff Councilmember Chris Milbank

Others Present: Tony Johnson, Lexi Johnson, Bryan and Brittney Cascio,
Janet Mathews, Bessie Wakefield, Tyler Morgan, Chris
and Melissa Morgan (Morgans joined electronically)

Motions Made During the Meeting

Motion #1

Commissioner Lehnig moved to “approve the minutes of the October 24, 2023, Commission Meeting, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed.

Motion #2

Commissioner Schaub moved to “approve the Conditional Use Permit request by Ardent Management, to have an administrative office at 594 S 400 E, with the following conditions: 1) Office hours would be Mon-Fri from 9:00 am to 6:00 pm, as stated on the application. 2) The provisions of the Historic Landmark Overlay Zone Ordinance (10-11-6) would be read and followed. 3) Only six vehicles allowed on the property at a time. 4) No illegal drugs, alcohol, and/or smoking on the property, inside or out. 5) Noise levels must be kept to a minimum, and 6) Upon vacating the property, the Conditional Use Permit would be void. Councilmember Wakefield seconded the motion, which carried with Cooley, Lehnig, Schaub, and Wakefield. No one opposed.

Motion #3

Commissioner Schaub moved to “approve the Kennel Conditional Use Permit application for Tyler Morgan of 661 E 500 S, for the allowance of three dogs within a fully fenced yard, and upon the Morgans moving from the home, the permit would be void. Chris and Melissa’s names would be added to the permit.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on December 12, 2023.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the October 24, 2023, Planning Commission Meeting were reviewed.

Commissioner Lehnig moved to “approve the minutes of the October 24, 2023, Commission Meeting, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Schaub, and Wakefield in favor. No one opposed.

Public Comment on Land Use: There was none.

Public Hearing to Discuss a Conditional Use Permit Request from Ardent Management to Use 594 S 400 E as a Property Management Office: Tony Johnson, owner of the building, explained that they decided to utilize the building for their office. The only employees will be himself, his daughter, and his niece.

Commissioner Lehnig noted his application stated there would be minimum traffic. She asked him to elaborate. Mr. Johnson said there would generally be three cars. They have a construction supervisor that comes by a few times a week and at the beginning of the month and a handful of tenants stop in to pay their rent. He said they will control the cars to six or less. Ms Lehnig asked about the number of deliveries. Mr. Johnson said the business is private, they don’t do third party business. They have a storage area in Logan. He said they can get a dropbox, if needed, so less people would park and come inside.

Commissioner Cooley asked if they anticipated this as a long-term residence for their office. Mr. Johnson said, “Yes.”

Commissioner Wakefield asked if they would maintain the outside building as it currently is. Mr. Johnson agreed that they would.

Commissioner Lehnig asked about evening hours. Mr. Johnson said they would only be there during the daytime. No evening hours.

Ms. Schaub reviewed some of the conditions she felt should be addressed: be aware of the conditions of the overlay zone, 6 vehicle limit, no alcohol or drugs on the premises, noise at a minimum and a sign on the door that states only six cars allowed. Commissioner Cooley didn’t see a need for a sign on the door.

Commissioner Lehnig pointed out that 10-11-G.16 stated an office was an allowable use in the building.

Commissioner Wakefield felt Mr. Johnson’s office use would bring less traffic to the neighborhood than the previous uses and suggested it would be a win for the city.

Commissioner Schaub moved to “approve the Conditional Use Permit request by Ardent Management, to have an administrative office at 594 S 400 E, with the following conditions: 1) Office hours would be Mon-Fri from 9:00 am to 6:00 pm, as stated on the application. 2) The provisions of the Historic Landmark Overlay Zone Ordinance (10-11-6) be read and followed. 3) Only six vehicles allowed on the property at a time. 4) No illegal drugs, alcohol, and/or smoking on the property, inside or out. 5) Noise levels must be kept to a minimum, and 6) Upon vacating the

88 **property, the Conditional Use Permit would be void. Councilmember Wakefield seconded the**
89 **motion, which carried with Cooley, Lehnig, Schaub, and Wakefield. No one opposed.**

90 Councilmember Wright arrived at the meeting at 6:50 pm.

91 Public Hearing to Discuss a Kennel Conditional Use Permit Submitted by Tyler Morgan, of 661
92 E 500 S, to have Three Dogs on the Property: Tyler Morgan explained his request. Currently there is
93 one dog at the premise, and he wanted to introduce 2 more. The dogs would be supervised 90% of
94 the time. They have a fenced yard and the dog's curfew is 9:00pm.

95 There were no public comments.

96 Commissioner Wakefield asked how long the existing dog had been on the premises. Tyler
97 Morgan said it had been there about seven years. He planned to move back into the home with his
98 parents in January with the two additional dogs.

99 Commissioner Schaub asked if there had been any complaints about the existing dog.

100 Recorder Lind stated there hadn't been.

101 Commissioner Wakefield asked for and received clarity on the fence being six feet high.

102 Commissioner Cooley asked if the conditional use permit would be in Tyler's name or his
103 parents. Tyler Morgan said he would be responsible for his dogs. It was decided that his parents,
104 Chris and Melissa Morgan, would have their names on the permit also.

105 Commissioner Wakefield asked if Tyler thought this would be a long-term situation. Tyler said
106 he hoped not. Chris Morgan clarified that Tyler's goal was to stay while saving for a house.

107 Commissioner Lehnig addressed dog waste. Chris Morgan assured they would clean up after
108 the dogs at least weekly.

109 Commissioner Cooley asked that the Morgans become familiar with the dog ordinance.
110 Morgan's agreed.

111 **Commissioner Schaub moved to "approve the Kennel Conditional Use Permit application for**
112 **Tyler Morgan of 661 E 500 S, for the allowance of three dogs within a fully fenced yard, and upon**
113 **the Morgans moving from the home, the permit would be void. Chris and Melissa's names would**
114 **be added to the permit." Commissioner Lehnig seconded the motion, which carried with Cooley,**
115 **Lehnig, Schaub, and Wakefield in favor. No one opposed.**

116 Discuss a Code Revision Regarding Short-Term Rentals: (At the request of Commissioner
117 Wakefield, discussion on short-term rentals was before the Commission. He wanted consideration
118 for renting a full home as an Airbnb. Currently, it must be owner occupied.) Commissioner Cooley
119 informed that he had reviewed all the minutes regarding the commission's discussions on short term
120 rentals from 2019, before it was added to the city code. Part of their discussions were that they
121 didn't want to allow an entire home to be rented due to their desire to protect the neighborhood. He
122 recalled that they were more concerned about landlords who didn't reside in River Heights, which
123 would make them less available to take care of the property.

124 Commissioner Wakefield said he and his wife love River Heights and don't want to make it any
125 less than it already is. He said short-term rentals have become increasingly popular since 2019.
126 There was a need. He proposed that the short-term rental be allowed only for owners who have
127 lived in River Heights for two years or more.

128 Commissioner Lehnig had looked at ordinances in cities around Logan. She also checked Saint
129 George since they were very tight with restrictions. Similarities they all shared were their regulations
on landscaping, building maintenance and parking.

131 Commissioner Schaub suggested they only consider single family homes, not duplexes. She
132 read from the state's definition of short-term rentals.

133 Bryan Cascio said he read recently of an Airbnb that was rented, which turned into a huge
134 party. He suggested they limit the number of people who can stay in the home.

135 Commissioner Wakefield didn't see any difference between homeowners having a large
136 family party at their home or someone renting a home.

137 Commissioner Cooley wasn't against renting out a full home but was concerned that the
138 neighbors should be allowed to give input, which could come from the requirement of a conditional
139 use permit. He also liked the idea of the landowner needing to live in River Heights. Other ideas
140 which came up were to limit the number of people who could rent at a time, and only a single-family
141 residence could be rented (not a duplex).

142 Councilmember Wright liked the idea of the owner living in River Heights or close proximity.
143 Commissioner Wakefield felt actual River Heights residents would be more incentivized and inclined
144 to keep the property up in a more pristine environment. He said he would be willing to give up his
145 right to rent out his Airbnb if he moved from River Heights.

146 Commissioner Cooley informed that when he and his family rented an Airbnb which had
147 issues, it was nice to be able to call the owner who lived close by to take care of the issues.

148 Councilmember Wright felt there was an incentive for landlords to keep their property nice
149 because of the online review system. Commissioner Wakefield said his rental is being taken care of
150 better than his own home.

151 Councilmember Wright didn't think it would be necessary to police street parking. However,
152 tenants would need to abide by winter parking restrictions.

153 A few changes were made to Commissioner Cooley's suggestions. Commissioner Lehnig
154 agreed to adding language addressing the number of people allowed. A public hearing was scheduled
155 for January 9.

156 Commissioner Cooley reported that the Administrative Land Use Authority would meet soon
157 to discuss a second concept plan submitted by Heritage, for a development east of the church. He
158 projected the plan would be passed on to the Commission in January.

159 The meeting adjourned at 7:45 p.m.

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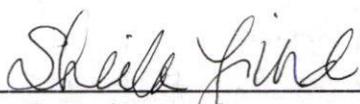
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Noel Cooley, Commission Chair



Sheila Lind, Recorder

River Heights City Conditional Use Application

For office use	
Date Received:	<u>11/28/23</u>
Hearing Date:	<u>12/12/23</u>
Amount Paid:	<u>100.00</u>
Approved _____	Denied _____

APPLICANT

Name: Ardent Management, LLC
Mailing Address: 255 South Main Street Ste 100, Logan, Utah 84321
Phone: _____ email: _____
Please check one of the following: owner buyer renter agent other

PROJECT INFORMATION

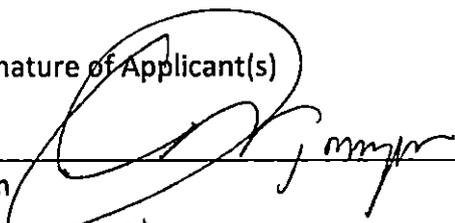
Name: Sinclair Station
Address/Location: 594 South 400 East, River Heights, Utah 84321
Property Tax ID: 02-014-0060 Existing Zone: _____
What is the current use of the property? Photo Studio
How many employees will be working at this location including applicant, immediate family, and non-family members? 4 individuals
How many vehicles will be coming and going daily, weekly, or monthly? 4 daily
I agree to abide by the River Heights City Parking Ordinance (10-14). Initial TJ
I agree to abide by the River Heights City Sign Ordinance (10-16). Initial TJ
Description of Request: Owner, Tony Johnson, Property Management business office space. Ardent Management employees 2 full time employees and 1 part time employee. At most, there will be 4 employees (including Tony) vehicles on premises. All vehicles will be parked in driveway only, no street parking. Office hours are M-F 9:00am-6:00pm, no weekends or holidays. We do not have a public customer base. Potentially up to 5 tenants/day may stop in to make rent payments around the 1st of each month. Tenants stopping in to make rent payments stop by individually and not with a group.

SUBMITTAL REQUIREMENTS

- Completed and signed application form
- \$100 application fee pd
- 8 1/2 x 11 copy of plans should be on file
- Provide a Fire Protection evaluation from the fire department. should be on file

ACKNOWLEDGMENT OF RESPONSIBILITY

I certify that I am making an application for the described action to the City and that I am responsible for complying with all City requirements in regard to this request. I realize in order to do any construction on the property, I will be required to obtain a Zoning Clearance Permit from River Heights City and possibly a County Building Permit. I also agree to meet the ordinances and standards of River Heights City for any improvements. The documents and/or information I have submitted are true and correct. I understand that my application is not deemed complete until the Planning Commission has reviewed the application and has given their approval in the form of a permit. I understand additional fees may be charged for the City's review of the proposal (including, but not limited to, engineering and attorney fees). I agree to reimburse River Heights City for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by the City resulting from my failure to comply with the Land Use Ordinance and terms of this Conditional Use Permit.

Signature of Applicant(s)


Sign
11/27/2023

Date

Tony Johnson, Manager

Print

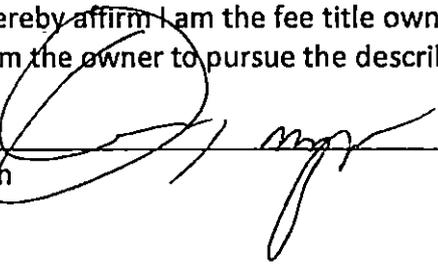
Sign

Date

Print

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm I am the fee title owner of the above described property or I have written authorization from the owner to pursue the described action with a copy of the authorization attached.



Sign

11/27/2023

Date

River Heights City

Kennel Conditional Use Application

For office use

Date Received: 11/21/23

Hearing Date: 12/12/23

Amount Paid: _____

Approved _____ Denied _____

APPLICANT

Name: Tyler Morgan

Mailing Address: 661 East 500 South River Heights, Utah 84321-5605

Phone: _____ email: _____

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

PROJECT INFORMATION

Name: Kennel Condition Use for 3* Dogs/Canines

Address/Location: 661 East 500 South River Heights, Utah 84321-5605

Property Tax ID: On file Existing Zone: Single Family Residential

What is the current use of the property? Single Family dwelling home

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

How many vehicles will be coming and going daily, weekly, or monthly? Five

I agree to abide by the River Heights City Parking Ordinance (10-14). Initial TM

I agree to abide by the River Heights City Sign Ordinance (10-16). Initial TM

Description of Request: ~~Application~~ Application or request to allow 3 ~~canines~~ canines to reside at said property. Canines are all properly vaccinated, neutered, and non-violent. All dogs are supervised 90% out of a 24 hour period and are contained inside as well as a fully-fenced backyard.

SUBMITTAL REQUIREMENTS

_____ Completed and signed application form

_____ \$100 application fee

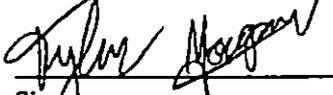
_____ 8 1/2 x 11 copy of plans

_____ Provide a Fire Protection evaluation from the fire department.

ACKNOWLEDGMENT OF RESPONSIBILITY

I certify that I am making an application for the described action to the City and that I am responsible for complying with all City requirements in regard to this request. I realize in order to do any construction on the property, I will be required to obtain a Zoning Clearance Permit from River Heights City and possibly a County Building Permit. I also agree to meet the ordinances and standards of River Heights City for any improvements. The documents and/or information I have submitted are true and correct. I understand that my application is not deemed complete until the Planning Commission has reviewed the application and has given their approval in the form of a permit. I understand additional fees may be charged for the City's review of the proposal (including, but not limited to, engineering and attorney fees). I agree to reimburse River Heights City for any costs of enforcement including reasonable attorney fees, and/or any other costs of enforcement incurred by the City resulting from my failure to comply with the Land Use Ordinance and terms of this Conditional Use Permit.

Signature of Applicant(s)



Sign

Tyler Morgan

Print

11/20/23

Date

Melissa M. Morgan

Sign

Melissa Morgan

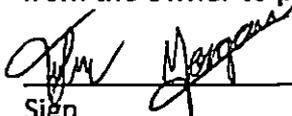
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11-20-23

Date

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm I am the fee title owner of the above described property or I have written authorization from the owner to pursue the described action with a copy of the authorization attached.



Sign

11/20/23

Date

SHORT TERM VACATION RENTAL (STVR): A single-family dwelling, or any portion thereof, utilized as a business for lodging, or sleeping purposes, whereby, the owner hosts visitors in the owner's home(s), for compensation, for periods of twenty-eight (28) consecutive days or less. The owner must live in River Heights or on-site, in the home. A River Heights City Home Occupation License is required. STVRs shall comply with all ordinances within the zone. If the STVR is a whole unit rental, a conditional use permit is required.

dwelling

10-12-1: USE REGULATIONS

82. Short Term Vacation Rental (STVR), Owner Occupied (2-2019, 5-28-19) H for A, R1, C, and RPUD

Non occupied

83. Short term Vacation Rental (STRV) Unit Owner River Heights C for A, R1, RPUD

^ ^