

River Heights City

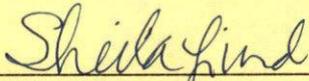
River Heights City PLANNING COMMISSION AGENDA

Tuesday, February 27, 2024

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 JV Lawn Care to Run a Lawn Care Business from their Home at 658 Summerwild Avenue
- 7:00 p.m. Public Hearing to Discuss a Rezone Request from Heritage Land Development, LLC from Residential and Agricultural to Residential PUD, at Approximately 755 South 600 East
- 7:30 p.m. Discuss Changes to the Historic Overlay Zone, to Incorporate Potential Uses of the Old School
- 8:00 p.m. Adjourn

Posted this 22nd day of January 2024



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/84644436503>

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
February 27, 2024

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6 Present: Commission members: Noel Cooley, Chairman
7 Heather Lehnig
8 Keenan Ryan
9 Cindy Schaub
10 Troy Wakefield
11
12 Recorder Sheila Lind
13 Tech Staff Councilmember Chris Milbank
14
15 Excused Councilmember Blake Wright
16
17 Others Present: See Roll
18
19

20 Motions Made During the Meeting
21

22 Motion #1

23 Commissioner Lehnig moved to “approve the minutes of the February 13, 2024, Commission
24 Meeting, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which
25 carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.
26

27 Motion #2

28 Commissioner Schaub moved to “approve the JV Lawn Care CUP application dated December
29 18, 2023, with the following conditions:

- 30 1. The home business is for administrative use only.
- 31 2. One administrative employee will come to the home during the week.
- 32 3. Five personal vehicles allowed, two of which can be used for business.
- 33 4. This CUP is for a lawn care business only.
- 34 5. No signage on the property.
- 35 6. All chemicals need to be stored off-site and not on the property.
- 36 7. At the end of the lawn care season all non-residential trucks and equipment will be stored off-
37 site (does not include family vehicles).
- 38 8. Lawn care trucks used by employees will be kept off-site.
- 39 9. Upon moving from the property, the CUP expires.
- 40 10. No maintenance of equipment on the property.
- 41 11. No equipment visible from the street.
- 42 12. Business hours will be between 7:00 a.m. and 7:00 p.m.”

Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Ryan, Schaub,
and Wakefield in favor. No one opposed.

45 Motion #3

46 Commissioner Lehnig moved to “recommend Heritage Land Development’s rezone request
47 from R-1-8 and Agricultural to RPUD, to the City Council.” Commissioner Ryan seconded the motion,
48 which passed with Cooley, Lehing, and Ryan in favor. Commissioners Schaub and Wakefield opposed.
49

50
51 Proceedings of the Meeting

52
53 The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council
54 Chambers on January 23, 2024.

55 Pledge of Allegiance

56 Adoption of Prior Minutes and Agenda: Minutes for the February 27, 2024, Planning
57 Commission Meeting were reviewed.

58 **Commissioner Lehnig moved to “approve the minutes of the February 27, 2024, Commission
59 Meeting, as well as the evening’s agenda.” Commissioner Wakefield seconded the motion, which
60 carried with Cooley, Lehnig, Ryan, Schaub, and Wakefield in favor. No one opposed.**

61 Public Hearing to Discuss a Conditional Use Permit (CUP) Request from JV Lawn Care to Run a
62 Lawn Care Business from their Home at 658 Summerwild Avenue: Commissioner Cooley gave some
63 history on JV Lawncare. They were granted a CUP for snow removal in April of 2023. They continued
64 to use their home during the summer for the lawncare part of their business without a license. The
65 mayor and city attorney discussed the matter and issued a fine. They still needed to apply for
66 another CUP for the lawncare portion of their business.

67 Melinda Rodriguez said she had paid the fine and explained they were now applying for a CUP
68 for lawn mowing and flower bed clean up. Their house would only be used as an office, as well as
69 having two trucks and trailers on their property. Their other vehicles were stored at another location
70 where their workers pick them up and leave in the mornings. They wouldn’t be storing any chemicals
71 at their house or large equipment. They have 5 family members at their home. She said the attorney
72 they used last year didn’t get back to her about the lawn care portion of their business, which was
73 why they hadn’t made this application earlier.

74 Commissioner Cooley opened the hearing to the public. There was none.

75 Commissioner Lehnig noted that a couple months ago they approved a CUP for Lee Gallup for
76 a lawn mowing business. One of his conditions was that his equipment couldn’t be visible and that
77 he needed to have it off the premises. Ms. Rodriguez said they keep their equipment behind a gate
78 in their backyard. Ms. Lehnig asked if there would be more than one employee coming to the home.
79 Ms. Rodriguez said their one employee would come in the morning and pick up a truck and trailer
80 which they store in their backyard. With the complaints about the number of vehicles coming and
81 going, they cut way back. There will only be one employee and his son who will pick up a truck and
82 trailer. She verified they wouldn’t store gas or fertilizer on their property. Commissioner Schaub
83 pointed out that the snow removal business was allowed more employees. She asked if they had
84 permission to park on Wasatch Properties property (across the street from their own). Ms. Rodriguez
85 said Wasatch said they are fine with it.

86 Commissioner Ryan asked where they maintain their equipment. Ms. Rodriguez said they do
87 a little at their home but mostly at their employee’s homes. They go get their own gas and store it in
88 the trailer they use.

90 Ms. Rodrigues pointed out that another home in River Heights has trucks and trailers on their
91 property and she wondered why her family couldn't as well. Commissioner Cooley said that the
92 resident was in violation.

93 Commissioner Cooley wanted to follow the conditions on Ms. Rodrigues's snow removal CUP
94 which they granted in 2023. The Commission reviewed the conditions and tweaked them to fit what
95 they wanted to allow for the lawn mowing part of the business.

96 **Commissioner Schaub moved to "approve the JV Lawn Care CUP application dated
97 December 18, 2023, with the following conditions:**

- 98 **1. The home business is for administrative use only.**
- 99 **2. One administrative employee will come to the home during the week.**
- 100 **3. Five personal vehicles allowed, two of which can be used for business.**
- 101 **4. This CUP is for a lawn care business only.**
- 102 **5. No signage on the property.**
- 103 **6. All chemicals need to be stored off-site and not on the property.**
- 104 **7. At the end of the lawn care season all non-residential trucks and equipment will be stored
105 off-site (does not include family vehicles).**
- 106 **8. Lawn care trucks used by employees will be kept off site.**
- 107 **9. Upon moving from the property, the CUP expires.**
- 108 **10. No maintenance of equipment on the property.**
- 109 **11. No equipment visible from the street.**
- 110 **12. Business hours will be between 7:00 a.m. and 7:00 p.m."**

111 **Commissioner Wakefield seconded the motion, which carried with Cooley, Lehnig, Ryan,
112 Schaub, and Wakefield in favor. No one opposed.**

113 Public Hearing to Discuss a Rezone Request from Heritage Land Development, LLC from
114 Residential and Agricultural to Residential Planned Unit Development (RPUD), at Approximately 755
115 South 600 East: Commissioner Cooley reported that the Commissioners had received some letters
116 from residents, which would be included as part of the meeting record. He reviewed some history
117 about the inclusion of a RPUD Zone in the city code. The Planning Commission was asked by the
118 Council to consider a zone which would allow a slightly higher density than what they currently had.
119 The Commission worked on it during the spring of 2021. By June 22, 2021, the Commission finished a
120 reasonable Residential Planned Unit Development (RPUD) draft, which they had a public hearing on
121 and then passed it on to the Council. The Council spent several meetings from June to November
122 discussing and revising the draft further. By the end of November, the council held another public
123 hearing where they discussed all the changes and then adopted it. In conjunction with the code
124 changes, the General Plan was being considered. The Council looked at the vacant land in River
125 Heights and discussed what it could be used for. The Council identified the Riverdale area and the
126 property east of the church and added them to the General Plan Land Use Map as potential areas for
127 residential planned unit developments. A public hearing was held, and the document was adopted in
128 December 2021. He had heard citizens say they didn't know anything about a PUD zone before now,
129 but it had been in place since 2021. Since that time Heritage purchased the property east and north
130 of the church and had applied to rezone it to the RPUD Zone. The city could only consider rezoning at
131 the request of the property owner. He assured there had been no design approved. He explained
132 the development of the Administrative Land Use Authority and informed that they had convened on
133 two occasions to review the Creekside draft with Heritage and had worked with them on changes.

133 At the public's request, one of the prior drafts of the plan was pulled up on the screen.
134 Commissioner Cooley stated again that it was not a final draft, and nothing had been approved. He
135 felt there was a lot still to be resolved.

136 Tami Midzinski, representative of Heritage Development, informed that their latest draft
137 showed more single-family homes and less townhomes, which were clustered together. She was
138 hoping to keep all green space open to the public. They planned to install a nature trail along the
139 creek with a pavilion, and benches. Commissioner Cooley pointed out the code requirement of the
140 development needing to have a trail.

141 Commissioner Cooley opened the public hearing by stating each person would be allowed
142 three minutes at the pulpit. He asked that they not duplicate what someone else had said.

143 Barbara Hoth, of 534 E 700 S, asked what they should focus their comments on.
144 Commissioner Cooley advised them to state their opinion on if the property should be rezoned or
145 not. The Commission wanted to hear the pros and cons of what they could take into consideration.
146 The Commission could accept, deny, or table the request. If they accepted it, they would pass it to
147 the City Council. Ms. Hoth said she understood the need for affordable housing in the area but was
148 concerned with townhomes and the effect they would have on the current infrastructure.

149 Ruthann Nelson, of 555 E 600 S, asked if the wetlands in the area had been called out. She
150 said a trail needed to be a certain distance from the creek. Ms. Midzinski said there weren't any
151 portions of the property considered as wetland. Ms. Nelson disagreed and said she could get her a
152 study to prove there was. She felt it should be looked at during the rezone. She said there is a time
153 and place for townhomes, and it isn't now or in the location being requested.

154 Jim Brackner, of 760 Stewart Hill Drive, expressed concern with the impact on infrastructure,
155 especially roads and the school. He thought it would impact the value of surrounding properties and
156 asked if they had done research on this.

157 Shellie Giddings, of 590 S 800 E, said she couldn't get out of her driveway most days because
158 her home was in front of the school. She asked that the city not add more homes. She said this
159 wasn't the area for these types of homes. She felt the commissioners didn't understand since none
160 of them lived on the streets that would be affected by the additional traffic.

161 Mark Malmstrom, of 749 S 600 E, wished the plan showed the adjacent properties in River
162 Heights. His home was across the street from the proposed subdivision. Six Hundred East was
163 already busy, and he was concerned about the subdivision traffic accessing it in the middle of the
164 block. He figured 175 vehicles would be going in and out every day which would create a public
165 health and safety issue with the surrounding homes. He requested a discussion on how these nearby
166 properties might be affected.

167 Kurt Woodward, of 707 S 600 E, said he lived across from the development site. He wasn't
168 opposed to development if surrounding properties were considered. There was already a lot of foot
169 traffic in this area. He hoped they would address traffic control for small pedestrians.

170 Coby Saltern, of 556 E 700 S, said he was against high density and wanted the lots to be 8,000
171 square feet. He said 700 South was considered a collector road, yet it didn't meet the requirements
172 with sidewalks, and road width. He suggested opening 800 South to 100 East to help offload some of
173 the traffic.

174 Bill Carson was concerned about the irrigation access. He was against the development and
175 noted there was a lot of foot traffic and cars. He didn't think any more houses were needed.

176 Brian Anderson, of 331 E 700 S said if residents didn't somewhat support this, the property
177 would go into Providence and then they wouldn't have a say on what was developed, like had
178 happened in the past. He was disgruntled that River Heights had turned down development in the
179 past and now the boundary between River Heights and Providence had jumped Spring Creek. He
180 reviewed the Lundahl/Davis issue. He wanted residents to wrap their minds around the growth.
181 Commissioner Cooley noted that this property was already in River Heights, which meant there
182 wasn't an option for it to go to Providence.

183 Marsha Kraus, of 562 E 600 S, didn't know if she was for or against the rezone because the
184 map they were looking at wasn't correct. She said she knew traffic like no one else because she lived
185 on 600 South. She thought the corner of 600 E and 600 S would need to have a stop light before
186 long. A sheriff had said, in the past, it was the worst intersection in the valley. She said River Heights
187 shouldn't allow more traffic until they analyze the traffic situation. She said people in Providence are
188 sick and tired of townhomes. She proposed the city require larger lots, such as 1/3 or .5 acre lots.

189 Alexis Sykes, of 533 N 100 E, in Providence said she works at the charter school west of 600 E
190 and was also concerned about the traffic. Her students were in danger every single day. She was
191 against the high density and preferred larger lots.

192 Brian Anderson asked if there was only one access. He noted that 600 E was a county road.
193 He supported 800 South opening up, a stop light at 600 E and 600 S, and the funding of a few more
194 crossing guards to help with safety.

195 Ruthann Nelson said 600 E was considered a safe walk to school route, which should be
196 considered. She had been a crossing guard and could testify of the overload of cars during school.
She said high density was not a good idea in this area.

197 Paul Tullis, of 815 Stewart Hill Drive, asked if the city could get together with Providence and
198 agree that they all don't need any more high density.

199 Coby Saltern asked why the recent changes on the high-density ordinance. He noted that in
200 Providence, Visionary showed one plan and then developed something very different. He asked if
201 there was a way to make them stick to their plan.

202 Christianna Miles, of 675 S 500 E, was concerned about the high-density housing. She is a
203 mother of two preschoolers, and she was very worried about the school having room for more
204 children. She was also concerned about additional traffic. She expressed disappointment with snow
205 removal in the city over the last two years. She supported single family zoning.

206 Kurt Woodward added the observation that through the winter there was enough foot traffic
207 on 600 E during school hours that the snow compacted to ice. This should be a priority because it
208 was a dangerous crossing at the church.

209 Danny Petersen, of 365 S 700 E, said developers want to put in as many homes as possible to
210 get the most money. He said River Heights was not an area for high density. It should be in a place
211 where those living there could get out to a main road quickly. He supported single family dwellings.
212 He said River Heights already had low-income housing with the older homes.

213 Janet Mathews, of 308 Riverdale, asked what the current zone of the property was.
214 Commissioner Cooley explained the property east of the church was agricultural. The other two
215 parcels to the north were zoned R-1-8. They were all being requested to rezone to RPUD.

216 Deon VanDyke, of Spring Creek Parkway in Providence said, her property butted up against
217 the creek and she was concerned about what would happen to the water with this development. She

219 also wondered where the walkway would be. She fought against high density in Providence and now
220 had it east of her. All the traffic that came with it drives on her road and goes too fast.

221 Valerie Merrel, of 359 S 550 E, asked about the easement through the church property. She
222 was told it was for emergency access only. She was against the density.

223 Commissioner Cooley closed public input.

224 Commissioner Cooley responded to the questions that came up during the hearing. He
225 assured them they would hold the developer to what they proposed. The city's code called out that
226 no more than 35% multi-family units were allowed in a RPUD zone. The plan would include a path to
227 the school from the subdivision. He said the city had a traffic study done but the Council hadn't yet
228 incorporated new traffic guidelines into the General Plan.

229 Tami Midzinski discussed the future trails in the open space. They planned to have sidewalks
230 on both sides of the road. They would provide an upgraded sewer line, as well an upgraded water
231 line. She said their plan was considered low density.

232 Commissioner Lehing asked Ms. Midzinski if they had reached out to Visionary concerning a
233 connection road. Ms. Midzinski said Visionary no longer had any input since their subdivision was
234 finished. It was now under a homeowners association which meant they would need approval from
235 every property owner in the subdivision, which would be impossible. However, they would have trail
236 connectivity. Ms. Lehning asked if she had talked to the school about a back gate. Ms. Midzinski said
237 their plan currently showed a trail connection on the backside of the single-family lots. She also
238 explained they had included a swale to take care of stormwater that would flow from the school
239 property behind the same lots, in a dedicated easement.

240 Commissioner Lehning asked Commissioner Cooley what the city engineer had said about the
241 increase in traffic. Mr. Cooley said it hadn't been addressed yet but would need to be by the county
242 since 600 East was a county road. He pointed out that the density of an R-1-8 zone was about four
243 dwellings per acre and noted that the RPUD Zone was five dwellings per acre. They had worked on
244 the zone quite a bit and all in open meetings.

245 Commissioner Schaub wondered if the Planning Commission could hold a workshop to discuss
246 traffic on 600 East and the possibility of a light at 600 East 600 South.

247 Commissioner Wakefield was concerned with safety in River Heights. He agreed there was no
248 doubt that a new subdivision would add more individuals, which he was comfortable with. He agreed
249 more investigations into the traffic situation could be beneficial.

250 Ms. Midzinski said, per the city's requirements, they hired a professional engineer to do a
251 traffic impact fee study, which had been provided to the city. She suggested that the city could use
252 their roads impact fee money to upgrade their roads.

253 Ms. Midzinski explained that Heritage develops and then they sell the lots to Sierra Homes to
254 do the building. The townhomes will start at \$300,000. Ms. Lehing pointed out that the townhomes
255 had not been referred to as affordable housing. She had looked up high density on a state website
256 and found that medium density was considered between 9 and 13 units per acre. The Creekside
257 development was proposing 5.3 dwellings per acre. She noted that this was higher than what River
258 Heights was used to but was in no way considered high density. She was supportive of the rezone
259 but with reservations.

260 Commissioner Ryan said he didn't have a problem with the rezone but had reservations with
261 the plan. He foresaw a lot of issues with it. He wanted to hear from the school district on what their

plans were before he voted on a development because he too was concerned with how it would affect the traffic.

Ms. Midzinski pointed out that their latest draft showed less dwellings than the previous ones.

Commissioner Cooley appreciated the public and their comments. He summarized their main concerns as being about traffic and the school. He explained that he had a vested interest in this topic since he and the Planning Commission had spent over two years working on a RPUD zone that would fit within the River Heights community. He didn't see it as having a big impact on the city.

Commissioner Schaub was concerned with only one ingress. She asked Ms. Midzinski if she was willing to change things up to address the concerns expressed. Ms. Midzinski assured they were willing. Commissioner Cooley pointed out that if they changed the zone to larger lots, they would lose all access to open space along the creek.

Danny Petersen asked if Commissioner Cooley would explain what a PUD was and the impact it would have on roads. Mr. Cooley noted that right now the roads in the proposed PUD would be made public. The open space had yet to be determined on public or private. He encouraged the public to read through the RPUD ordinance to gain more understanding. The commission's big concern when drafting the ordinance was to require open space that would benefit the community.

Commissioner Cooley informed that the role of the Planning Commission at the evening's meeting was to accept and then pass on the zone change to the City Council, or to deny it altogether, or, lastly, they could table the discussion.

Commissioner Lehnig moved to "recommend Heritage Land Development's rezone request from R-1-8 and Agricultural to RPUD, to the City Council." Commissioner Ryan seconded the motion, which passed with Cooley, Lehnig, and Ryan in favor. Commissioners Schaub and Wakefield opposed.

Commissioner Cooley suggested to the public in attendance that they follow the agendas and attend Council and Commission meetings they were interested in.

Donny Davis said Commissioner Schaub voted right because they didn't have enough information. He said River Heights needed a tax base, and it's not from homes.

Discuss Changes to the Historic Overlay Zone, to Incorporate Potential Uses of the Old School: Commissioner Schaub reviewed her changes to the Historic Overlay Zone. Commissioner Lehnig suggested adding a light medical type use like therapy (physical, mental) as an allowed use. Ryan felt supportive of chiropractic.

Tami Midzinski suggested a pop-venue be allowed. They show up on a weekend or a few days and add revenue to the city.

Commissioner Wakefield asked if they wanted to allow seasonal businesses or only year-round renters. They agreed they wanted to stick with more administrative/office uses.

Councilmember Milbank addressed the management of the businesses. He cautioned that there would be additional things to address that hadn't come up yet.

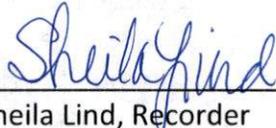
Commissioner Schaub suggested a site visit, which others agreed to.

Brittany Cascio suggested not allowing seasonal uses. It wasn't in her vision for the building. She was interested in a longer contract, so she advised them to look for renters who care about the space and would help the city by renovating their own area. She also suggested they add back the uses of flower shop and gift shop.

304 Commissioner Cooley suggested each of them take an opportunity to walk through the
305 building before the next meeting. He asked Commissioner Lehnig to chair the March 9th meeting in
306 his absence.

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

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Sheila Lind, Recorder

Noel Cooley, Commission Chair

Please print your name on the roll.

Tami Midunski
JIM BRACKNER
Barbara Hoth
Don Davis
Bell (HILSON)
Merinda Reddy
Juan Valdovinos
Christianna Miles
MIKELLE GOODMAN
Dallin Goodman
Mark Malmstrom
Melissa Brown
MARILYN PRIDE
Wally Pride
Bryan Cuscio
Brittan Cason
Steve Thunell
COBY SAITERN
Shellie Giddings
Chuck Bates

electronic attendees
Erik & Stefani Smith
Cody Zohner

Ken Sorensen
Kurt Woodward
Tyler Griffiths
Micah Matthews
Janet Mathews
Ethan Merrill
Steven Hall
Lance & Kate Pitcher
Brooke Nieman / Sten Rude
Marsha Kraus
Alexis Sikes
Andrew Cobabe
Valerie Merrill
DAN WESTON
Danny Petersen
Chris Cassesse
Ethan Brunson
Garin Craner
BRIAN ANDERSON

River Heights City Conditional Use Application

For office use	
Date Received:	<u>12/18/23</u>
Hearing Date:	<u>2/27/24</u>
Amount Paid:	<u>100</u>
Approved	_____ Denied _____

APPLICANT

Name: Juan Valdovinos
Mailing Address: 658 Summerwild Ave River Heights UT 84321
Phone: _____ email: _____
Please check one of the following: owner _____ buyer _____ renter _____ agent _____ other _____

PROJECT INFORMATION

Name: JV Lawn Care
Address/Location: 658 Summerwild Ave River Heights
Property Tax ID: 26-1476801 03-011-0006 Existing Zone: _____
What is the current use of the property? Residential
How many employees will be working at this location including applicant, immediate family, and non-family members? 8
How many vehicles will be coming and going daily, weekly, or monthly? 7
I agree to abide by the River Heights City Parking Ordinance (10-14). Initial MR
I agree to abide by the River Heights City Sign Ordinance (10-16). Initial MR
Description of Request: Lawn mowing - Flower beds clean up
Service full and spring clean ups
hours from 7 am to 7 pm

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.

Conditional Use Permit Agreement

THIS CONDITIONAL USE AGREEMENT is made by and between Juan Valdovinos and Melinda Rodriguez of 658 Summerwild Avenue, River Heights, Utah (Permittees) and River Heights City (City), a Utah municipal corporation.

WHEREAS, Permittees desire to run a snow plow service from their home, and

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

WHEREAS, a public hearing was held by the Planning Commission on March 28, 2023;

THEREFORE, the City voted to grant Permittees a Conditional Use Permit with the following conditions:

1. The home business is an administrative use as stated on the application amendment. *During the week.*
2. One administrative employee will come to the home ~~on Monday, Wednesday, and Fridays:~~
3. Five personal vehicles allowed, two of which can be used for business.
4. This Conditional Use Permit is for a ~~snow removal~~ *lawn care* business only.
5. ~~Three times a week an employee can come to the property to exchange snow removal equipment.~~
6. No signage on the property.
7. All ~~snowmelt and salts~~ *chemicals* need to be stored off-site and not at their property.
8. At the end of the ~~snow removal~~ *lawn care* season all non-residential trucks, plows, and equipment will be stored off site (does not include family vehicles).
9. ~~Snow removal~~ *lawn care* trucks used by employees will be kept at the employee's residence.
10. Upon moving from the property, the CUP expires.
11. No maintenance of ~~snow removal~~ *lawn care* equipment on the property.

Dated this 11th day of April, 2023 ** No equipment visible from the street. Hours 7am-7pm*

RIVER HEIGHTS CITY:

Blake Wright, Council Member

Noel Cooley, Commission Chair

PERMITTEE (Signature must be notarized):

PERMITTEE (Signature must be notarized):

Juan G. Valdovinos

Melinda Rodriguez

RIVER HEIGHTS CITY

520 South 500 East * 435-752-2646

Application for Project Review

Type of Application

Subdivision Minor Subdivision Flag Lot Rezone Boundary Adjustment
 Commercial Development Commercial Parking

Applicant: Heritage Land Development

Phone Number: 435-466-0674

email address: tamim@heritagedevelopment.land

Mailing Address: 470 N. 2450 W. Tremonton, UT 84337

Property Owner of Record: Jay Stocking (Heritage Land Holdings & Heritage Property Solutions)

Phone Number

Project Name : Creekside Estates

Property Address: approx 755 S 700 E, River Heights UT

Current Residential Zone

County Parcel ID Number: 02-029-0023 & 02-029-0028 & 02-029-0022

Current Agricultural Zone

Total 14.46 acres

Number of Dwellings/Units/Lots 76 lots (50 single family + 26 townhome units)

Describe the proposed : would like to rezone the parcels 02-029-0023 & 02-029-0028 & 02-029-0022 to be combined as one project within the city's PRUD properties. Would like to have multiple phases to allow for construction to take place at a reasonable rate.

We certify we are the developer and record owner of this property and we consent to the submittal of application.

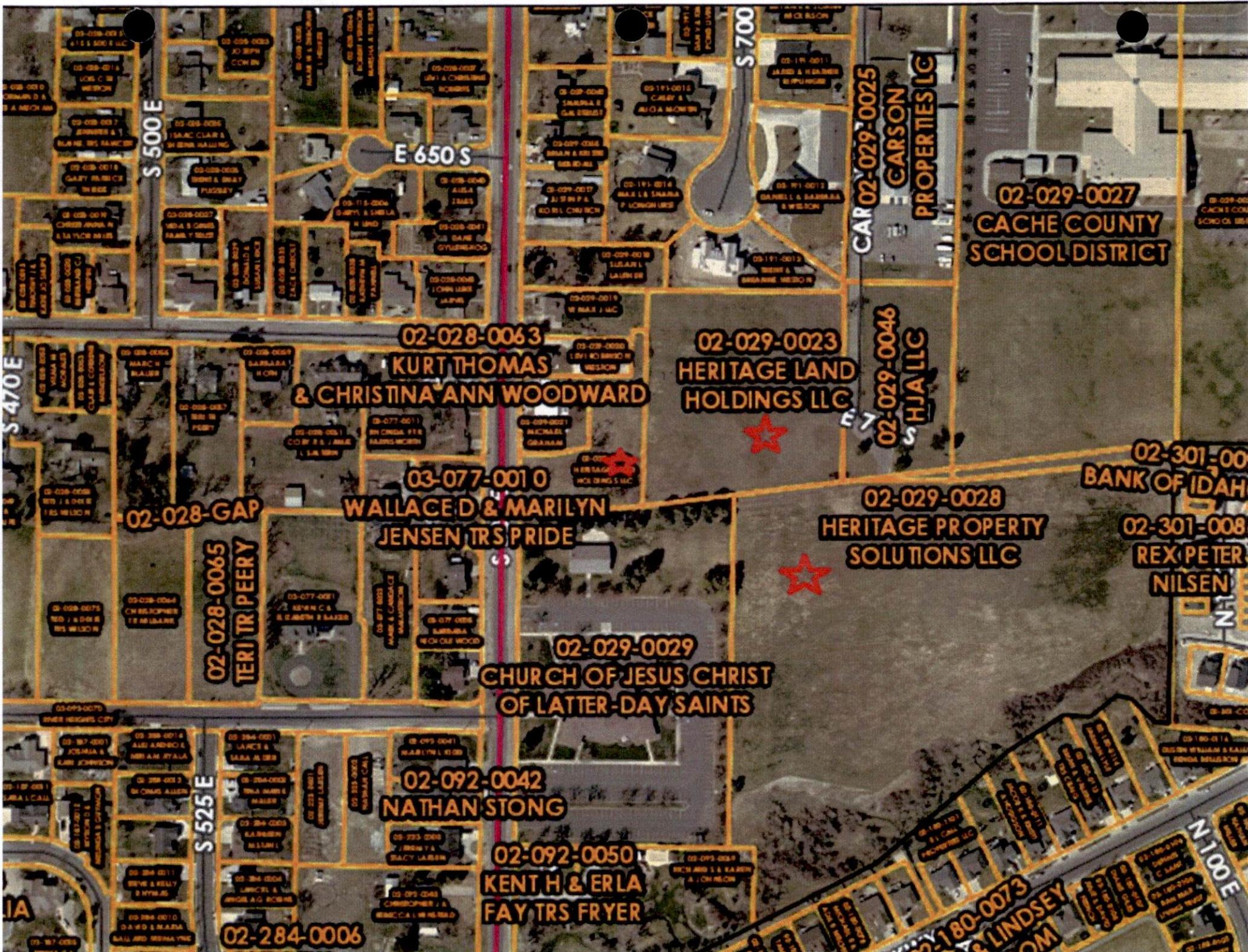
Tamim Madhusuki
Developer

01.25.2024
Date


Property Owner

01.25.2024

RECEIVED
FEB 05 2024



02-029-0027
CACHE COUNTY
SCHOOL DISTRICT

CAR 02-029-0025
CARSON
PROPERTIES LC

02-029-0046
S HJA LLC

02-029-0023
HERITAGE LAND
HOLDINGS LLC

02-029-0028
HERITAGE PROPERTY
SOLUTIONS LLC

02-029-0029
CHURCH OF JESUS CHRIST
OF LATTER-DAY SAINTS

02-028-0063
KURT THOMAS
& CHRISTINA ANN WOODWARD

03-077-0010
WALLACE D & MARILYN
JENSEN TRS PRIDE

02-092-0042
NATHAN STONG

02-092-0050
KENT H & ERLA
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February 26, 2024

River Heights City
520 S 500 E
River Heights, Ut 84321

RE: Application for rezone – Approximately 755 S 700 E, River Heights. (02-029-0022, 02-029-0023, & 02-029-0028

The above-named application for rezone has been submitted to the Logan Fire Department for a fire and life safety review. This review was made in the interest of the fire safety provisions and regulations as adopted by the State of Utah and in accordance with the International Fire Code. This review is not considered comprehensive nor regarded as sanctioning any code deficiencies not identified. The ultimate responsibility for compliance with the applicable codes, standards and ordinances rests with the owner.

This proposed rezone is being deferred to River Heights City for a decision on approval with the following comments and conditions.

The following comments document the review process:

Access

(IFC 503.1.1) Fire Apparatus Access shall extend to within 150 feet of all portions of the facility as measured by an approved route around the exterior of the building.

(IFC D107.1) Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

(IFC D107.2) Where required, two access roads shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

- Fire Apparatus access roads are to remain at a 20-foot minimum width at all times. Parking may need to be limited and/or signed. Plan for adequately sized street widths to include parking where required.
- As mentioned above (IFC D107.1 & D107.2) a second subdivision access road will be required.

Fire Hydrant Locations and number of Hydrants

(IFC 507.5.1) Fire Hydrants shall be located within 400 feet of the building as measured by an approved route around the exterior of the building. Exception allows for the distance to be increased to 600 feet for R-3 occupancies.

- Fire hydrants will be required to be within 600 feet of all buildable areas (for single family dwellings) and will need to meet all other River Heights City codes and 2021 IFC requirements.

Fire Water Flow

(IFC 507.1) An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, building or portions of buildings are hereafter constructed or moved into or within the jurisdiction. (IFC 507.3) Fire flow requirements for buildings or portions of building and facilities shall be determine by an approved method.

- The sizes of the proposed structures are undetermined.
- Appropriate fire flows for given structures will be required.
- Fire flow analysis needs completed and approved by the Fire Department and River Heights City.

Other project comments

- Plan for adequate parking as emergency vehicle access roads need to remain at least 20 feet in width at all times.
- If construction of the project is completed in phases, all dead-end fire department access roads longer than 150 feet shall require approved temporary turnarounds, and emergency fire department access shall be maintained throughout construction.

Please call with any questions or concerns.

Respectfully,

Aaron Walker
Deputy Fire Marshal
Logan Fire Department
435-716-9516
Aaron.walker@loganutah.org



Sheila Lind <office@riverheights.org>

FW: Proposed rezone and Creekside Estates Conceptual Plan

2 messages

Noel Cooley <nhcooley@comcast.net>

Tue, Feb 27, 2024 at 11:38 AM

To: Sheila Lind <office@riverheights.org>, blakewright@riverheights.org

Another letter

From: Mark Malmstrom <mark.arboraid@gmail.com>
Sent: Monday, February 26, 2024 7:18 PM**To:** nhcooley@comcast.net**Cc:** loganutahrealestate@gmail.com; heather.lehnig@gmail.com; Cindy Schaub <cindy_schaub@hotmail.com>**Subject:** Proposed rezone and Creekside Estates Conceptual Plan

Commissioner Cooley:

I want to thank you and the other members of the Planning and Zoning Commission of River Heights for using your valuable time and abilities for the betterment of the community and its citizens.

I have recently become aware of the public hearing scheduled for February 27 to rezone three parcels of land for the proposed Creekside Estates. I have read the minutes of the January 23 meeting and appreciate your careful analysis and comments/concerns regarding the plan. Craig Rasmussen also provided valuable insight and guidance and the city is fortunate to have his services.

I also share concerns with the development which I will outline below.

If I understand correctly they are proposing 78 housing units with planned parking to accommodate 2.5 vehicles per unit. That is potentially 195 vehicles going in and out at a mid block road onto 600 South. The proposed road sits directly in front of my neighbors driveway. It is difficult to back into 600 East at times and even more so when you add that many additional vehicles onto an already busy road. It would have made more sense if the house at 704 South and 600 East would have been purchased by the developer last year when it was on the market. That way, 700 South could have extended logically into the development rather than a new road being added mid block. It would be enlightening for the concept plan to show the relationship the new development has with the west side of 600 East. I think it would be a useful illustration for all stakeholders to have a clearer idea of the impact that the proposed road will have on nearby properties. If this new road is approved it will have a significant impact on the ability for my neighbor and my family to exit our driveways. I am hoping that an alternative or additional access point can be explored to dissipate traffic or at least not have a mid block access.

In the January 23 meeting there was discussion of whether the City or the HOA would maintain the open space. It would be illogical and a disservice to the city if they were responsible for maintenance of an open space that primarily benefits the residents of the new development and has limited access for the general public. I strongly feel that the HOA should be responsible for the maintenance of the open space. I do have a few concerns about the HOA maintaining the open space. When we lived in Providence, townhomes were built behind our home and the "natural" landscape/wetland was intended to be maintained by the HOA. It was not maintained by anyone and devolved into an area of tall weeds and trash

accumulation. I would hope that River Heights would make provisions for a certain level of maintenance in the open space, so that it can become an asset rather than a liability and eyesore.

Two of the lots are zoned R-1-8 and the largest is zoned agriculture. I would suggest that most of the citizens would favor keeping the current zoning on the two lots rather than changing to a higher density that is squeezing as many units onto the land rather than keeping with the character of River Heights and the adjacent properties. Doing this also would reduce the strain on River Heights infrastructure of roads, water, and sewer. I would anticipate less public outcry with keeping the current zoning in place on the two lots and rezoning the agricultural parcel to R-1-8. Eliminating the townhomes would also favor the development to have owner occupied properties rather than potential rental properties.

Line 241 of the minutes mentions that Heritage's representative Ms. Midzinski wants to move as fast as possible and is hoping for a speedy agreement. This tactic is common with developers. I realize that they have schedules that they are trying to meet but rushing the process on the City's end allows for less public engagement- many of us only became aware of the Public Hearing last week. It also opens the door for more errors and oversights giving the city less ability to change them once the rezone or development is approved. Rushing the project is advancing a development that will affect the city forever- taking the time to do it right will benefit the city in the long run. Once decisions are made- good or bad, there is rarely any going back.

The webpage propertyrights.utah.gov states, "All property is subject to reasonable control and regulation by government entities. Local governments regulate the uses and improvements of property to protect and promote the health, safety, and welfare of the public. Proper zoning ordinances promote economic growth and help maintain strong and vibrant communities."

I believe that the Planning and Zoning Commission has an obligation to promote the health, safety, and welfare of the citizens of River Heights. I know it has to be balanced with economic growth and the rights of the property owner. This high density development with its mid block access does not promote the health, safety, and welfare of the citizens of River Heights. I also believe that the city has no obligation to accommodate a developer that has purchased one landlocked parcel and two adjacent parcels with poor access. They knew the challenging access points when the land was purchased.

I am an arborist and work with Utah State University, cities, public entities, and HOA's regarding trees. Everyday I see the results of either planning related to trees and landscape that is well done and executed properly or the opposite. I hope that proper planning will be done to accommodate trees and attractive sustainable landscapes around the homes. One important area is to plan for park strips wide enough to accommodate viable long term street trees. River Heights is limited in attractive tree lined streets and doing this right would enhance the development and the larger community. I believe good early planning can make a huge difference in the liveability, attractiveness, longevity, and property values of development and would hope the city will encourage this as much as possible.

I appreciate your time and efforts for the benefit of the City and its people and would encourage you to table or deny the rezone; giving the city and its people more time to study the issue and make improvements/changes as needed. I also suggest that the city keep the current R-1-8 zoning as it stands on two of the lots.

Thank you,

Mark Malmstrom

749 South 600 East

River Heights

mark.arboraid@gmail.com

Cellular: 435-881-0164



Sheila Lind <office@riverheights.org>

FW: Best of luck to tonights planning meeting

1 message

Noel Cooley <nhcooley@comcast.net>
To: Sheila Lind <office@riverheights.org>

Tue, Feb 27, 2024 at 11:35 AM

Sheila,

I don't know if you have a copy of this or not.

Noel

From: Travis Marble <marbletravis@gmail.com>
Sent: Tuesday, February 27, 2024 11:29 AM
To: loganutahrealestate@gmail.com; nhcooley@comcast.net; heather.lehnig@gmail.com; cindy_schaub@hotmail.com
Subject: Best of luck to tonights planning meeting

I live in saddle rock, across the street from the vineyard development, so I've seen how this goes down.

I have no nominal problem with the vineyard development, we need housing, and people need a place to live. I realize people want things to not change, especially after purchasing a house and living in an area for some time, but things are going to change.

So I wish you luck tonight as you may come across some not in my back yard types, with the new development, I have a new development in my backyard and I say yes to more housing.

Is the vineyard development perfect, no, I wish it had stayed in river heights. I wish it didn't have an HOA, I wish the development wasn't exclusive to Visionary. I really like the Johnson Cove development (I don't know a ton, so there may be issues), but I love the variety of houses in that neighborhood.

As for smaller units/lots. I really wish people would stop conflating small houses/yards to blight. What causes blight is transiency and rentals, not the size of the home/yard (or even if there is no yard).

So, if I had my dream for this new development. It would be one with various lot sizes, various builders, and no homeowners association.

Best of luck tonight

Travis Marble

924 E 550 S River Heights



Sheila Lind <office@riverheights.org>

W: Heritage Development

1 message

Noel Cooley <nhcooley@comcast.net>
To: Sheila Lind <office@riverheights.org>

Mon, Feb 26, 2024 at 12:18 PM

For the file and drive

From: Jamie Thinks She's Funny <jamiesaltern@gmail.com>
Sent: Monday, February 26, 2024 12:09 PM
To: nhcooley@comcast.net
Subject: Heritage Development

Hello my name is Jamie Saltern I live at 556 E 700 S in River Heights. Me and my husband bought and added onto our forever home in 2001. I am writing to you about the Heritage development and my concerns about said development for our town.

I'm sure you already are aware of the next information but I'm going to share it with you anyways.

The population of River Heights is roughly 2025 and the radius is approx 5 blocks by 8ish blocks in our small town. The side of the street I live on on 700 does not have a curb, gutter or a sidewalk. The irrigation ditch is partially open and acts as the storm water drainage system.

Heritage is another developer trying to give "low income housing" to residents of Cache Valley. If you look around for low income housing within a mile radius of River Heights you will find many options. Visionary has several developments in Providence and Nibley. There are the apartments by Joann Fabric store, Millcreek Apartments by Logan High School, more vacant townhomes by Serenity Suites in Providence. As you can see there is not a lack of housing for low income individuals with more going in at the Cache Valley Mall and surrounding areas. We won't be contributing to this population that has a lack of, by putting in more high density housing.

The land in question is zoned as agriculture and the city council ,mayor, P & Z committee, that all represent the citizens of River Heights, have control over OUR zoning. No developer should have the power over the city or its representatives to change zoning for their profit. I have read the P & Z minutes from your last meeting and it seems like Heritage has a lot of things to fix, things they are trying to sneak by with and still a lot of loose ends. They want to push everything through "as fast as possible" which was a quote from Ms. Midzinski so that they can dodge city requirements and codes by making things more inexpensive for them but in the end leaving us with a big fat mess.

I am not naive wishing that this land would never be developed, but WE have the power, NOT the developers, to see how this land is developed! This town could grow in population of approx 400+ citizens if we let these developers have their way.

I have lived here for 23 yrs and have built my family's dream home where we hope to spend the rest of our lives. I am very upset that all the traffic from this development is going to be dumped out onto 600 E and then right in front of my house. We have already seen an increase of traffic from the Vineyard development. It worries me about the safety of my kids, ability to get in and out of my driveway, my lawn- as I already have traffic driving on it and breaking off sprinkler heads as I do not have a curb or gutter or sidewalks, water resources, school crowding, and infrastructure. Visionary Homes who developed the Vineyards promised a lot of things but never delivered.

I commend the P & Z zoning for the knowledge that you have about this development, the questions you asked during the last meeting and pushing back just as hard as they were pushing.

We can have development on that land but we are not a city, we are a small town that shouldn't have high density housing of any kind. I hope that we can develop this land into beautiful larger lot homes with no townhomes or apartments of any kind. With the market being the way it is, the developer will still be able to make plenty of money off of large plots in such

a beautiful location. Please please keep in mind the citizens of River Heights, the way of life in our small town, the size and population of River Heights, and the people who have established their homes here already that will be impacted by this development.

Much Sincerity,

Jamie Saltern

From: Jared Leatham <jared.leatham@gmail.com>

Sent: Tuesday, February 27, 2024 1:43 PM

To: cindy_schaub@hotmail.com; heather.lehnig@gmail.com; nhcooley@comcast.net; loganutahrealestate@gmail.com

Subject: Heritage Development Comments

Planning Commission Members,

I would like to contribute my thoughts about the Heritage Land Development application. It's my experience working with builders that we are often provided with a false dilemma and intentions. While I support development and understand the desire or need for the developer to be profitable, as a city our obligation and only interest should be on appropriate development and *not* someone's profits.

I see the following issues in the current concept:

- Too many lots and anticipated vehicles for a single access point.
- Most single family lot sizes are too small with insufficient space for private yards.
- Insufficient visitor parking, especially for the townhouses
- Alleys are too narrow between townhouses
- Not enough functional greenspaces for townhouse families.
- Insufficient trash collection
- Over reliance on an HOA for enforcement or maintenance. (Something the developer will have no legal or meaningful reason to be part of once lots are sold)

Focusing on the HOA subject, I have personally been responsible for a large HOA and understand well that the original developer has absolutely no responsibility or involvement in the long term use or life of their development. It will be up to whichever townhouse owners feel a sense of proactive responsibility. It will be up to that individual or group to obtain tow trucks, snow removal, lawn care, eventual repairs of building exteriors, etc. This is never a desire of anyone and is more accurately a burden to those owners who simply bought the townhouse they could afford. I would suggest a HOA does not exist but if it does, the responsibility should be reduced (e.g. city ownership of green space or parking).

I believe it is the intention of builders or developers to make aggressive applications and half expect an intended compromise. I encourage planning commission members to not fall to this scheme and to simply judge the application with the appropriate River Heights perspective; what is appropriate for River Heights? I stress again, their profits are not our concern.

Thank you,

Jared Leatham