

## COUNTY OF SEVIER, CITY OF RICHFIELD

## At the Planning Commission

In and for said City

September 4, 2024

5 Minutes of the Richfield City Planning Commission meeting held on Wednesday, September 4, 2024, at  
6 6:00 p.m., Chairman Pro tem Blaine Breinholt, presiding.

## 7 1. Roll Call.

8 **Present:** Blaine Breinholt, Wes Kirshner, Wayne Cowley, Branden Anderson.

9     **Excused:** Josh Peterson, Lisa White, Zach Leavitt.

10 2. Select an Interim Chairperson – For tonight’s meeting the commission selected Blaine Breinholt  
11 to serve as the Chairman Pro tem, with the selection of an Interim Chairman to be conducted when  
12 more of the commission is present.

### 13 3. Conditional Use Permits/Home Occupation Permits

14 a. Jared Cephalia – To request a conditional use permit for a second drive through at his business  
15 plaza development at the corner of Main Street and 400 South. This is C-1 use in a CS Commercial  
16 Shopping Zone.

17 Mr. Cephalia is asking for approval to add a second drive-through to a property he is currently  
18 developing. The first drive through would be on the south side of the building, and exit to the south onto  
19 400 South. The second would be on the north side and would also exit the parking area to the south  
20 onto 400 South. One of the drive-throughs would be a restaurant, the other a smoothie type bar.

21 Cephalia said he feels it would be best to have the traffic exit onto 400 South, as Main Street is a state  
22 highway.

23 Commissioner Anderson asked if this has been discussed with the Utah Department of Transportation.  
24 Cephalia said it has not. He said he doesn't mind it, but there is a traffic impact that needs to be  
25 addressed.

26 Commissioner Kirshner said he shares a concern with UDOT in that it could result in traffic backing up  
27 onto Main Street from the drive-through. He asked if it would require a traffic study to have cars exiting  
28 onto Main Street.

29 Deputy Clerk Anderson said the commission could require one as a condition of approval.

30 Commissioner Anderson said someone is going to come in and park sideways, and back people up.

31 Another option would be to bring the cars in from 400 South for the new window and stack them in the  
32 driveway, and have them exit onto Main Street.

33 Commissioner Kirshner said he understands what the proposal is and that he doesn't disagree with  
34 trying to bring in more food options, but the traffic is a concern.

1 Deputy Clerk Anderson asked if the cars would be approaching the drive-through with their passenger  
2 side facing the window. For the new one it would, unless they were to exit onto Main Street, or  
3 somehow route the traffic through the parking lot and back onto 400 South.

4 Commissioner Anderson said anything the planning commission could do would have to be conditional  
5 based on what UDOT would approve.

6 Commissioner Breinholt said there is a likelihood of some serious traffic backups on the property.

7 Commissioner Anderson asked how soon would Cephalia need an answer. Cephalia said he hasn't  
8 started laying block yet, so there is some time as the window on the side will be the only difference.

9 Anderson said he feels like it needs a traffic study with two of drive-throughs on the same property right  
10 next to the state highway. The opening week of the businesses, or weeks when everyone is in town, will  
11 be especially challenging from a traffic congestion perspective.

12 One option would be to move the new window to the west end of the building, which would still allow  
13 for five cars to stack behind the window. The cars could then be able to do a loop to exit back onto 400  
14 South.

15 Commissioner Kirshner said either way, UDOT is going to want a study. With two businesses pulling in  
16 and out of a UDOT road. Access would still have to be provided for the building.

17 Commissioner Anderson said there is no way they would want the public to access the drive-through on  
18 their passenger side.

19 **Motion:** Motion to approve conditional use for a second drive through conditional and subject to a  
20 UDOT study and approval. **Action:** Approve, **Moved by** Branden Anderson, **Seconded by** Wes Kirshner.

21 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

22 **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

23 **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

24

25 b. Audrey Knight - To request conditional use permit to operate an animal grooming business at 92  
26 South Main Street. A C-1 Use in a Downtown Zone.

27 Knight will be leasing a space between Orchard Ave and H&R Block. She said her business needs to move  
28 into a larger building due to its growth.

29 Commissioner Breinholt asked about hours of operation, which Knight said would be from 9 a.m. to 5  
30 p.m. Commissioner Anderson asked about how many clients per hour are at the business. Knight said  
31 clients typically drop off their animals, the animals are groomed and then later picked up. Commissioner  
32 Cowley asked about the noise, would there be sustained barking?

33 Knight said except in rare cases, there isn't any barking in the business. The business will be renting from  
34 the people who own the HR Block building. Commissioner Cowley asked about the special plumbing  
35 requirements and if this building would have them. Knight said the equipment from the previous

1 location is being transferred, including the strainers and traps. Knight said her staff cleans up any animal  
2 waste, but that animal owners are asked to let dogs relieve themselves prior to the haircut.

3 Knight said there is only one entrance to the building on the front. She said her staff will have to take the  
4 garbage out the front door and walk it behind to the dumpster that serves the buildings in the area.

5 **Motion:** Approve the conditional use of a dog grooming business at 92 South Main Street, **Action:**  
6 Approve, **Moved by** Branden Anderson, **Seconded by** Wayne Cowley. **Vote:** Motion carried by  
7 unanimous roll call vote (**summary:** Yes = 4).

8 **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

9 **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

10

11 c. Tyson Curtis – To request a conditional use to establish a commercial retail business at the old  
12 Pizza Hut site. A C-1 use in a CG Commercial General Zone.

13 Curtis said there is an area in the Richfield Plaza along Main Street where he would like to eventually  
14 build a 3,000-square-foot building in the future. He said he is worried about giving up one for the other.

15 All parking is supposed to be common area in the Richfield Plaza, but Curtis is required to designate  
16 sufficient parking for the new building as well as for the existing businesses in the plaza. Curtis showed a  
17 rendering that illustrated his parking plan. He said he wants to replace the Pizza Hut building this year,  
18 and build the 3,000-square-foot building for some type of restaurant possibly in three years. He said he  
19 would be compliant with the city's parking ordinance until he builds the second new building, at that  
20 point he would have to add designated parking spots. He would be 30 spots short at that point.

21 Deputy Clerk Anderson said if a project is short on parking, it's a detriment to it through its entire  
22 lifespan.

23 Curtis said UHaul owns its portion of the Plaza, but the parking areas are supposed to be common area.  
24 However, UHaul stores trailers and other items on it permanently, taking up much of the parking. Curtis  
25 said UHaul's entire loading bay belongs to him, so he is hoping to be able to negotiate a solution with  
26 UHaul that will provide adequate parking in the future.

27 Commissioner Anderson asked if UHaul needed a conditional use to take out as much parking as they  
28 have with the storage units. Deputy Clerk Anderson said they did, and it was approved by the City  
29 Council. The storage units appear to have taken up more space in the parking lot than what the City  
30 understood they would.

31 Commissioner Anderson said the commission could approve the current project of the new retail space,  
32 and then have a discussion about the parking when the next project comes before it.

33 Commissioner Kirshner said there are currently potential parking stalls to the south of the building as  
34 well, depending on the placement of the building. However, the new building wouldn't allow room for  
35 that.

1 Commissioner Anderson asked about when the new stalls would be painted. He questioned how many  
2 would be used on the west side of the plaza's main building. The parking spaces could be painted as part  
3 of the permit for the building.

4 Commissioner Breinholt asked about how parking requirements are determined in the ordinance.

5 Deputy Clerk Anderson said it depends on the use of each space. Some of the tenants in the plaza are  
6 office or professional-type uses, which require less parking than the retail users.

7 *Personal Services:*

8 *One (1) space for each person employed during regular working hours plus one (1) space  
9 for each four hundred (400) square feet of gross floor area.*

10 *Professional Offices, Contractor's Office:*

11 *One (1) space for each four hundred (400) square feet of gross floor area.*

12 *Restaurant:*

13 *One (1) space for each four (4) seats or one (1) space for each one hundred (100) square  
14 feet of gross floor area, whichever is less.*

15 *Retail Sales and Services, Regional and Community:*

16 *One (1) space for each two hundred (200) square feet of gross floor area.*

17 Commissioner Breinholt asked what the new user would be in the building that will replace the Pizza Hut  
18 building. However, technically, Curtis isn't supposed to disclose the client at this point. Curtis said if he  
19 could purchase additional land to the south, he could move the building. However, he would want to  
20 make sure he meets the requirements for developing the land. Curtis would be required to retain the  
21 drainage for any land he develops.

22 **Motion:** Approve the conditional use of a new the commercial building as presented, **Action:** Approve,  
23 **Moved by** Branden Anderson, **Seconded by** Wes Kirshner.

24 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4).

25 **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

26 **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

27

28 d. Braden Seegmiller – To request a conditional use for the Roots at Richfield development, a  
29 Multiple Family (five or more units) facility. This is a C-2 Use in a RM-24 Zone

30 Seegmiller said this development will include 28 market rate, Class A apartments. It is located on a lot  
31 behind the Topsfield Lodge along 500 West. He said it will fill a need for market rate housing, including

1 units ranging in size from one bedroom to two bedrooms. Seegmiller said this project will be an asset to  
2 the community.

3 Commissioner Breinholt asked if the building is three stories. It has three stories above ground, with one  
4 that is 1/2 submerged – essentially three and a half stories. He asked what the height is. It is 35 feet tall,  
5 while the max height is 42 feet.

6 Commissioner Kirshner asked if it is single access. It is single access with one entrance/exit off of 500  
7 West. He also asked if it fulfills the airport standards. The project does have approval from the FAA for  
8 the height that is proposed. He also asked about fire department approval, which is has been reviewed  
9 by. A previous iteration of the project was unable to fulfill the turn radius to accommodate a fire engine,  
10 resulting in this new concept.

11 Commissioner Anderson said it seems like a lot of units for the lot and asked if there is adequate parking.  
12 There is enough parking stalls as per code – with a few extra, according to Seegmiller. There is also a  
13 garbage enclosure planned. It is zoned RM-24 and fits within the density requirements. Commissioner  
14 Kirshner asked how many parking stalls are needed per unit.

15 Per code –

16 *Multiple Family Units: Studio and one-bedroom units.*

17 *One and one-half (1.5) parking spaces for each unit plus one (1) space per four (4)*  
18 *dwelling units for recreational vehicles and boat storage.*

19 *Multiple Family Units: Two- and three-bedroom units. A traffic study shall be required*  
20 *for developments of fifty (50) units or more units.*

21 *Two and one-half (2.5) parking spaces for each unit. Plus one (1) space per four (4)*  
22 *dwelling units for recreational vehicles and boat storage. May be owned in common or*  
23 *by a homeowner's association. If existing conditions preclude compliance a provision*  
24 *shall be placed within bylaws or declaration restricting the parking of recreational*  
25 *vehicles and boats within the development. Such restriction shall be enforced by the*  
26 *homeowner's association.*

27 There is a total of 28 units and 52 parking stalls.

28 Commissioner Anderson asked about the plans for a garbage container. It is located on the  
29 southeast corner. It does fit within the zoning. The main question remains if the city should still  
30 with three stories or go with three and a half. Commissioner Cowley said the code says a  
31 maximum of three stories, even if the height is good.

32 Upon reviewing the city zoning code, Commissioner Breinholt said the project appears to be four stories,  
33 while the code limits the number of stories to three. The city hasn't allowed four, and even making it a  
34 full basement would still count as a story. Commissioner Cowley said the code calls for a maximum of  
35 three stories, while in reality this project is three and a half. It depends on if the bottom level counts as a  
36 story or not, since it is approximately half underground.

1 Commissioner Anderson said it may be setting a precedence that it's three and a half instead of just  
2 three. Commissioner Cowley said this may require a change in the code.

3 Commissioner Anderson asked if it could be tabled until the definition could be looked at.

4 As per the code definitions: *Story: The space within a building, included between the surface of any floor*  
5 *and the surface of the ceiling next above.*

6 Breinholt said it appears to not follow the city code.

7 Commissioner Anderson asked if this is something that could be issued a variance. Deputy Clerk  
8 Anderson said a variance would have to be some type of hardship unique to the property not caused by  
9 the development itself. It would also have to go through a Land Use Hearing Officer. Commissioner  
10 Anderson said he feels the city should stick to its code.

11 Commissioners Breinholt and Kirshner said it doesn't appear to fit the ordinance. Kirshner said it's a  
12 good concept, but it has to fit into the ordinance.

13 Seegmiller said his group has spent a lot of time and money doing its due diligence in looking at the city's  
14 code. Would a rambler style home with a basement that has windows above ground be considered a  
15 two-story home. Seegmiller said there isn't a way to reach the RM-24 capacity in this instance without  
16 four floors.

17 Commissioner Anderson said there really isn't a concern with single family developments as they are not  
18 building four-story structures. It is not the city's concern whether or not a developer can fill a  
19 development to capacity.

20 Deputy Clerk Anderson said he could contact the city attorney and the zoning code specialist the city  
21 works with to get advice on how to interpret the ordinance when it comes to what constitutes a story or  
22 not.

23 Commissioner Cowley said it would be beneficial to table the issue and get some advice as to how the  
24 ordinance is interpreted. While the height isn't a problem, the number of stories doesn't appear to  
25 conform to the city's code.

26 Commissioner Anderson asked when the project is slated to start construction. It would be in 2025.  
27 Tabling it for a month would give the developers a chance to have a second opinion.

28 Seegmiller asked if the commission would be willing to approve the project conditional upon the  
29 attorney review. Commissioner Anderson said if it has to go to a vote tonight, he would vote against it.  
30 Commissioners Breinholt and Kirshner agreed.

31 **Motion:** Table until there is clarification on the code from the city attorney and code specialist at DeMille  
32 at Jones & DeMille. **Action:** Table, **Moved by** Branden Anderson, **Seconded by** Wayne Cowley. **Vote:**  
33 Motion carried by unanimous roll call vote (**summary:** Yes = 4).

34 **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

35 **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

36

1 e. Kellie Lindgren, America Garcia and Jessica Prescott – To request a conditional use permit to  
2 operate a business called Black Rabbit Tattoo at 46 N. Main Street. A C-1 use in a Downtown Zone.

3 Currently all three individuals are licensed practicing tattoo artists in Salina. The trio wants to move to  
4 Richfield and do their own thing. At one point the building was a drug store. Lindgren said the group has  
5 a list of requirements from the health department, which they will implement prior to opening.  
6 However, they wanted to secure the conditional use approved prior to investing money into remodeling  
7 the building.

8 Lindgren said their group is pulling inspiration from Leona's and Severo when it comes to the exterior  
9 look of the building they are trying to achieve.

10 Commissioner Cowley said the establishment the group works at currently in Salina is one of the better  
11 ones he's seen. The front windows would be mirror tinted.

12 Commissioner Anderson said it's important to know that the have to have flat signs on the building.

13 **Motion:** Approve the conditional use for a tattoo shop at 46 N. Main Street, **Action:** Approve, **Moved by**  
14 Branden Anderson, **Seconded by** Wayne Cowley. **Vote:** Motion carried by unanimous roll call vote  
15 (**summary:** Yes = 4).

16 **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

17 **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

18

19 f. Wendy Roberts – Requesting a conditional use permit for a cargo container to be placed at Flying  
20 J. A C-1 use in a CG zone.

21 Roberts is the general manager of the Richfield Flying J. The scope of the project includes the removal of  
22 two old sheds, and for them to be replaced by a cargo container. The old sheds don't look nice, and have  
23 the potential to be a safety issue. Roberts presented some pictures of the area where the cargo  
24 container would be placed.

25 Commissioner Kirshner asked what the rules are on cargo containers. From code - *Storage of*  
26 *merchandise and goods (long-term) provided that the portable storage container is not kept in the front*  
27 *setback area, designated parking areas, fire access lanes, public rights-of-way, landscaping area, in an*  
28 *area visible from the property's primary street or on parcels that are adjacent to a residential zone. In*  
29 *addition, a portable storage container shall meet all other setback requirements.*

30 Commissioner Anderson asked if there is power to the current sheds, which there is.

31 Commissioner Kirshner said he doesn't like cargo containers and would favor eliminating all of them in  
32 town. Aesthetically it's hard to get them ever to look good, but the code is what it is.

33 The container would be 20-feet long and eight feet wide. It would also be subject to camera surveillance  
34 to help prevent vandalism. **Motion:** Approve the conditional use of a shipping container for long-term  
35 storage at Flying J, **Action:** Approve, **Moved by** Branden Anderson, **Seconded by** Wayne Cowley. **Vote:**  
36 Motion carried by unanimous roll call vote (**summary:** Yes = 4).

1   **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

2   **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

3   4.    Discussion Items –

4   a.    Sign Ordinance – Joseph Meacham – Severo Restaurant to discuss the sign ordinance and how to  
5   improve it for the downtown zone. Tabled at request of Joseph Meacham. **Motion:** Table the item.

6   **Action:** Table, **Moved by** Branden Anderson, **Seconded by** Wayne Cowley. **Vote:** Motion carried by  
7   unanimous roll call vote (**summary:** Yes = 4).

8   **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

9   **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

10

11   5.    Minutes Approval –

12   a.    Minutes of July 10, 2024, Planning Commission Meeting. **Motion:** Table the item until  
13   Commissioner White can review them for requested clarifications. **Action:** Approve, **Moved by** Branden  
14   Anderson, **Seconded by** Wes Kirshner. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes =  
15   4).

16   **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

17   **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

18   b.    Minutes of the August 7, 2024, Planning Commission Meeting. **Motion:** Approve the minutes of  
19   August 7, 2024. **Action:** Approve, **Moved by** Branden Anderson, **Seconded by** Wes Kirshner. **Vote:**  
20   Motion carried by unanimous roll call vote (**summary:** Yes = 4).

21   **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

22   **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

23   c. Minutes of the August 19, 2024, Planning Commission Meeting. **Motion:** Approve the minutes of  
24   August 19, 2024. **Action:** Approve, **Moved by** Branden Anderson, **Seconded by** Wes Kirshner. **Vote:**  
25   Motion carried by unanimous roll call vote (**summary:** Yes = 4).

26   **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.

27   **Excused:** Josh Peterson, Lisa White, Zack Leavitt.

28

29   **Motion:** Table 5A approve 5B and 5C, **Action:** Approve, **Moved by** Branden Anderson, **None seconded.**

30

31   6.    Other Business – Joint session with council Sept. 16, 17 or 18<sup>th</sup>. The commissioners said Monday,  
32   Sept. 16, at 6 p.m.

33   7.    Adjournment.

- 1   **Motion:** Adjourn. **Action:** Approve, **Moved by** Branden Anderson, **Seconded by** Wes Kirshner. **Vote:**
- 2   Motion carried by unanimous roll call vote (**summary:** Yes = 4).
- 3   **Yes:** Blaine Breinholt, Branden Anderson, Wayne Cowley, Wes Kirshner.
- 4   **Excused:** Josh Peterson, Lisa White, Zack Leavitt.
- 5