

River Heights City

1 River Heights City Planning Commission
2 Minutes of the Meeting
3 January 6, 2015
4

5 Present: Commission members: Rex Davidsavor, Chairman
6 Nina Knowles
7 Danny Petersen
8 Jim Royle
9 Patti Seeholzer
10
11 Mayor James Brackner
12 Councilmembers: Blake Wright
13 Dixie Wilson
14 Recorder Sheila Lind
15
16 Others Present: Engineer Craig Rasmussen, William Carson, Bracken
17 Atkinson, Brent Skinner, Christian Wilson, Ray
18 Hunsaker

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20 Motions made During the Meeting
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22 Motion #1

23 Commissioner Petersen moved to “approve the minutes of the December 16, 2014
24 Commission Meeting.” Commissioner Royle seconded the motion, which carried.
25

26 Motion #2

27 Commissioner Royle moved to “table the William Carson Conditional Use Review topic
28 until the next meeting.” Commissioner Seeholzer seconded it, which carried with all in favor.
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31 Proceedings of the Meeting
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33 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie
34 Council Chambers on January 6, 2015. Commissioner Davidsavor welcomed new Commissioner
35 Nina Knowles.

36 Adoption of Prior Minutes: Minutes for the December 16, 2014 Planning Commission
37 Meeting were reviewed.

38 Commissioner Petersen moved to “approve the minutes of the December 16, 2014
39 Commission Meeting.” Commissioner Royle seconded the motion, which carried.

40 Recognition of Nina Knowles as a New Commissioner and Re-Appointment of Patti
41 Seeholzer: Councilmember Wright explained that Commissioner Seeholzer’s term was up in
42 2013. She agreed to stay on for another term, which will go until 2018. Nina Knowles has
43 agreed to serve for a five year term.

44 Election of Commission Chair and Vice-Chair for 2015: Commissioner Seeholzer
45 nominated Commissioner Davidsavor to continue serving as chairman. Commissioner Royle
46 seconded the nomination, which carried. Mr. Davidsavor accepted the position as chair but,
47 reminded he has his home for sale and will most likely move before the end of the year.

48 Commissioner Royle nominated Commissioner Petersen as vice-chair. Commissioner
49 Knowles seconded the nomination, which carried.

50 Review of William Carson’s Conditional Use Permit: Commissioner Davidsavor stated
51 the reason for the review: Pedro Arreola applied for a Conditional Use Permit to work out of
52 Bill Carson’s storage bays. During his hearing, Mr. Carson’s conditions were brought up, which
53 followed with a discussion on whether or not they were all being met.

54 Commissioner Davidsavor reviewed each condition with Mr. Carson. Mr. Carson stated
55 that he and Mr. Arreola have business licenses. Mr. Davidsavor asked Mr. Carson if he informs
56 new tenants of their need to apply for a permit from the city. Mr. Carson said he does. He
57 explained that Mr. Arreola wanted to try out his business to see if it would work before he
58 came in to apply.

59 Commissioner Davidsavor reviewed the other items, which Mr. Carson said were being
60 complied with. Commissioner Royle said there was a noise problem, brought up during Mr.
61 Arreola’s hearing. Mr. Carson would like to know, from the neighbors, when the noise is
62 happening so he can check it out for himself. He explained that before, when his property was
63 in the county, everything was great. Now that he’s in the city and there are neighbors, he has
64 to deal with more regulations and complaints. He sees his property as a grandfathered use.
65 Commissioner Royle suggested Mr. Carson talk to the neighbors to find out what is bothering
66 them. Mr. Carson said he will.

67 Mr. Carson was asked what other tenants are using his storage bays. He replied Ray
68 Hunsaker makes toys, a lady (Ruth) and her children cut rocks to make fossils, Pedro Arreola
69 fixes cars and there is a guy that stores parts and sells them on the internet. There is also a guy
70 that just works on his own truck. The rest of his bays he rents for storage only. Councilmember
71 Wright suggested that those in the east building may need Conditional Use Permits. Mr.
72 Hunsaker stated he asked about this a few years ago and Mr. Wright told him he didn’t need
73 one. Mr. Wright said this may need to be revisited to make sure the city is aware of what types
74 of activities are going on. Mr. Carson affirmed there was no noise being generated in the west
75 building.

76 Ray Hunsaker handed out toys he's made. He explained that he makes toys for
77 orphanages, children's shelters and many other places. What he does is non-profit. If he is part
78 of the noise problem then it irritates him because everything he does is donated. It costs him
79 about 50 cents a toy to make. Without Bill Carson allowing him to make these toys in his
80 storage bay, 200,000 people wouldn't have received toys. Mr. Carson charges them only
81 \$50/month. The only thing that makes very much noise is the chop saw and they use it only
82 once week, or so. They have never made noise after 10:00 pm. He has been located there
83 since September 10, 1996. He'd like the people who complained about the noise to come see
84 what they do in their shop. Commissioner Royle encouraged him to talk to the Mickelsons.
85 Commissioner Davidsavor commended Mr. Hunsaker for the great service he is doing and
86 suggested he continue.

87 Commissioner Davidsavor said Councilmember Wright will research and determine if
88 Mr. Hunsaker and the others need a Conditional Use Permit. He suggested Mr. Carson notify
89 his tenants that they may need to apply for a Conditional Use Permit, which has an application
90 fee of \$100.

91 **Commissioner Royle moved to "table the William Carson Conditional Use Review topic**
92 **until the next meeting." Commissioner Seeholzer seconded it, which carried with all in favor.**

93 Continued Review of Preliminary Layout and Design Submitted by Wasatch

94 Development Group LLC: Engineer Craig Rasmussen pointed out that a lot of his comments will
95 be taken care of on the final drawings. He reviewed the items and when and how they would
96 be taken care of. Some things have already been addressed on the revised site plan. He hasn't
97 seen anything to address item 10, dealing with fencing. Bracken Atkinson said the type of fence
98 hasn't been determined yet. Mr. Rasmussen reminded that it's part of the city's ordinance that
99 it needs to be decided. They have more parking stalls than is required. They will have covered
100 bicycle parking. They haven't indicated the number of bikes they can accommodate. Item 15
101 discusses a shade structure but there weren't any sketches. Their revision shows it as solar
102 panels. He suggested some discussion on whether the solar panels can be counted as a nature
103 structure. He hasn't seen a revised landscape plan yet. Mr. Atkinson said each of the circles
104 indicate a tree. He asked for a little leniency so they can make the design look pleasing, rather
105 than cramming in an additional 10-15 trees. Mr. Rasmussen said he could agree but, his job is
106 to make sure they comply with the ordinance. Commissioner Davidsavor said he'd rather have
107 them reuse energy with solar panels, even though trees are prettier than panels. Brent Skinner
108 said they can find a place for the extra trees, even though it won't look as good. They don't
109 want to place them where they'll block the solar panels.

110 Councilmember Wright said they can force the ordinance, but if they force more trees
111 than the land can take, they will just die anyway. Commissioner Davidsavor suggested they
112 have the plan they want and another back up plan that shows all the required trees, in case

113 they need it. The Commission was leaning towards leniency on the number of trees in the
114 parking lot. Conservice will have colored renderings a little later.

115 Commissioner Davidsavor explained that Conservice met with ProLog Irrigation
116 Company. They know they will be ultimately responsible for the irrigation laterals. They have
117 some good ideas on how to reuse and recycle the water. They have also met with Pioneer
118 Irrigation Company.

119 Engineer Rasmussen discussed fire hydrant locations. Conservice shows the required
120 ones on the property. They are working to coordinate a hydrant on 100 East in a general
121 location. Nyman Mortuary had one in their design (on the west side of the 100 East) but it isn't
122 installed yet. This was a good location for both sides of the road to have access. Since they
123 aren't building yet, Conservice may need to consider installing one on the west side with the
124 idea they'll get reimbursed when a business on the west goes in. Conservice is open to what he
125 feels is best.

126 Engineer Rasmussen discussed the 800 South park strip (south side). By ordinance, it
127 needs to have trees. Public Works Director Nelson isn't in favor of so many trees. Mr.
128 Rasmussen wonders how the Cobblestone residents would feel about having leaves dropping
129 into their yards. The city will be required to maintain the park strip since Providence vacated
130 the property a few years ago. He suggested the Planning Commission should address this.
131 Commissioner Royle suggested xeriscaping. Commissioner Davidsavor suggested letting the
132 Cobblestone residents know, if they plant trees. They may want the trees, once they find out
133 the road will go through. Engineer Rasmussen reminded that Providence City hasn't always let
134 River Heights know what their plans are. Bracken Atkinson suggested the city will be the entity
135 dealing with maintenance of the park strip so they should determine what they want. Mr.
136 Davidsavor suggested having PWD Nelson involved in the discussion about the 800 South park
137 strip.

138 Brent Skinner asked about lighting in the park strips. Discussion was held on LED lights,
139 which they are planning on.

140 Commissioner Royle asked Conservice what their plans were for a revenue source and
141 how much would there be. Bracken Atkinson said they have set aside 5,000 square feet for
142 retail. They don't know what business they will have in there yet. They are still in discussions
143 about it.

144 Engineer Rasmussen discussed the elevation drawings. He pointed out the earth tone
145 colors are in compliance and look nice. They've done some jogs on the north to help with
146 elevations. He plans to take a cross section between this property and 700 South to show the
147 transition of the building height to the comparison of what 700 South residents will be looking
148 at from their property.

149 Conservice will tidy up with Engineer Rasmussen and be ready for the public hearing at
150 the next meeting. They will submit a colored landscaping plan 10 days prior, along with any
151 other changes, for public review.

152 Councilmember Wright determined that Bill Carson's other businesses (run by
153 individuals, out of his storage bays) need to have their own CUP. Commissioner Davidsavor will
154 let Mr. Carson know that he needs to have them come in to the city to apply. It was suggested
155 that the Council could decide if they want to waive the application fee for non-profit
156 businesses. Mr. Davidsavor recommended, if an individual tenant wants to ask for an
157 exception, they could put in their own request to the Council.

158 The meeting adjourned at 8:25 p.m.

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Sheila Lind, Recorder



R. Rex Davidsavor, Chairman



520 South 500 East
River Heights, Utah 84321
Phone & Fax (435) 752-2646

November 20, 2014

William Carson
708 E 700 S
River Heights UT 84321

Dear Bill,

It has come to the attention of the Planning Commission that you may not be in compliance with your conditional use permit granted by the city in 2005. Please be reminded of the conditions by reviewing the enclosed permit. You must see that each item is complied with if you are to retain your permit.

The Planning Commission would like to schedule a review of your permit for December 16, 2014. If the Planning Commission determines you are not in compliance, your permit could be revoked, which means all individual conditional use permits issued could be revoked and the tenants will be asked to vacate your building. Please keep in mind that conditional use permit renewals are due to the city by December 31st.

Pedro Arreola and Jose Alfredo Mejia have recently been granted a conditional use permit.

Please call if you have any questions.

Sincerely,

River Heights City

Conditional Use Permit Agreement

THIS CONDITIONAL USE AGREEMENT is made by and between Bill Carson of 698 E 716 S, River Heights, Utah (Permittee) and River Heights City (City), a Utah municipal corporation.

WHEREAS, Permittee desires to rent a portion of his storage bays to small businesses, 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 15, 2005;

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

- 1) The number of units to be leased, rented or used by others shall be a maximum of five, four of which may be used by businesses and one used for storage.
2) Time activity is allowed - 7:00 a.m. - 10:00 p.m.
3) Activities and equipment must be contained inside the building.
4) Occupancy permit and fire inspection shall be required annually.
5) Each individual business must have a Conditional Use Permit.
6) Only the east building will be used for businesses (the west building is used only for non-commercial storage).

Dated this 15th day of March, 2005

RIVER HEIGHTS CITY:

Chris Himmel, Planning Commission Chairman

Sheila Lind, Recorder

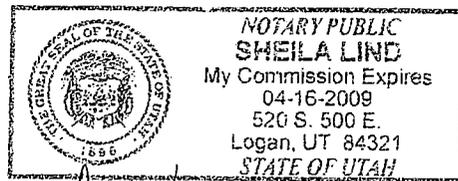
Gladys Ann Atwood, Zoning Administrator

PERMITTEE (Signature must be notarized):

Bill Carson

Date 4-26-05

State of Utah)
County of Cache)



Sworn and subscribed to before me this 26 day of April 2005.

Notary Public (Signature)