

1 River Heights City Planning Commission  
2 Minutes of the Meeting  
3 November 4, 2014  
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5 Present: Commission members: Danny Petersen, vice chair  
6 Jim Royle  
7 Patti Seeholzer  
8 Lorin Zollinger  
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10 Recorder Sheila Lind  
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12 Excused Commission Chair Rex Davidsavor  
13 Councilmember Blake Wright  
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15 Others Present: Pedro Arreola, Jose Alfredo Mejia, Matt Lundgren,  
16 Bryan, Joann and Dan Mickelson, Josh Ripplinger,  
17 Dallin Condie, Dave Walker  
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20 Motions made During the Meeting  
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22 Motion #1

23 Commissioner Royle moved to “approve the minutes of the August 19, 2014  
24 Commission Meeting.” Commissioner Seeholzer seconded the motion, which carried with  
25 Petersen, Royle, Seeholzer and Zollinger in favor. No one opposed.  
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27 Motion #2

28 Commissioner Zollinger moved to “allow Pedro Arreola and Jose Mejia to run their  
29 business out of Bill Carson property at 708 E 600 S, using two bays with the following  
30 conditions: 1. They follow Bill Carson’s conditions on his permit dated March 25, 2005. 2. Only  
31 one vehicle for repair on the property at a time. 3. No visual or audible impact will be made on  
32 the neighborhood. 4. When using noisy machinery doors will be shut. 5. Hours of operation be  
33 limited to 8am to 6pm M-F and Saturday from 8am to noon.” Commissioner Seeholzer  
34 seconded the motion, which carried with Petersen, Royle, Seeholzer and Zollinger in favor. No  
35 one opposed.  
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37 Motion #3

38 Commissioner Royle moved to “approve a conditional use permit request from Matt  
39 Lundgren for a martial arts studio in his garage at 496 South 850 East with the following  
40 conditions: 1) Hours are limited to 5-9, Monday – Friday and Saturday from 10- noon. 2)  
41 Parking will be limited to the driveway only. 3) No audible or visual impact on the  
42 neighborhood.” Commissioner Zollinger seconded the motion, which didn’t carry. Petersen,  
43 Royle, Seeholzer and Zollinger were opposed. No one was in favor.

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#### 46 Proceedings of the Meeting

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48 The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie  
49 Council Chambers on November 4, 2014. In the absence of Commission Chair Davidsavor,  
50 Commissioner Petersen chaired the meeting.

51 Adoption of Prior Minutes: Minutes for the August 19, 2014 Planning Commission  
52 Meeting were reviewed.

53 **Commissioner Royle moved to “approve the minutes of the August 19, 2014**  
54 **Commission Meeting.” Commissioner Seeholzer seconded the motion, which carried with**  
55 **Petersen, Royle, Seeholzer and Zollinger in favor. No one opposed.**

56 Public Hearing to Discuss a Conditional Use Request from Pedro Arreola and Jose Mejia  
57 to Work on Cars at 708 E 600 S: Commissioner Petersen asked Mr. Arreola to explain their  
58 desire. He said they are planning to do the same thing as Jeff South, who was doing business in  
59 the same place before them, under a conditional use permit, which is auto body work, fenders  
60 and dents. No painting.

61 Commissioner Royle read the conditions that were imposed on Jeff South when he was  
62 granted his permit in 2013.

63 Commissioner Petersen noted there are a lot of cars currently on the property. He feels  
64 this is much different than what Mr. South asked for.

65 Bryan Mickelson is a direct neighbor and is concerned about the amount of noise. They  
66 feel like this property is becoming an industrial park (there are other businesses there, as well).  
67 On rare occasions he has gone to talk to them about the noise. They hear concrete saws and  
68 other saws any time of day; usually not after 10 or 11pm. He supports people who want to  
69 have a business and make money, but they wish they lived in a quieter neighborhood. He  
70 wondered about the noise of beating dents out. Joann Mickelson has noticed the noise has  
71 been worse in the last 6-8 months. Mr. Arreola said he has been working there 3 months. They  
72 start at 8:00am and work until 6:00pm. Commissioner Petersen asked why they didn’t apply for  
73 a license before they started their business. Mr. Arreola said they wanted to make their  
74 business legitimate. When they started the process they found out they needed to get a permit  
75 from the city. Mr. Petersen expressed his frustration with people asking for permits after they

76 have already been running the business. He understands they probably didn't know about it.  
77 Commissioner Zollinger agreed with him.

78 Commissioner Royle asked if they could abide by the same conditions as Jeff South had,  
79 which were: 1) Follow Bill Carson's conditions on his permit dated March 15, 2005. 2) Only one  
80 vehicle for repair on the property at a time. 3) No visual or audible impact will be made on the  
81 neighborhood. Mr. Arreola said they have 2 bays, so it doesn't make sense to have only one car  
82 at a time.

83 Commissioner Petersen said he is aware of another business in Bill Carson's bays, as well  
84 as a non-profit toy factory. Both would be running saws. He suggested they need to be called  
85 in to apply for a business license.

86 Joann Mickelson stated the noise hasn't bothered them to the point of filing a formal  
87 complaint but they are concerned about the chance of more businesses moving in. They'd like  
88 to enjoy being out in their yard without hearing saws all the time.

89 The Commission discussed possible conditions. Commissioner Zollinger asked what  
90 days of the week they work. Mr. Arreola explained that they work Monday through Friday all  
91 day and half day on Saturday. Mr. Petersen understands the bays get hot in the summer but  
92 asked if they could keep the doors closed when they are running noisy machinery. Mr. Arreola  
93 said they do some welding and electric impact wrenches, but doesn't feel they're too noisy.

94 Bryan Mickelson said they don't mind these guys running their business quietly. They  
95 just worry it will become more and more.

96 Commissioner Petersen suggested Bill Carson needs to be aware that these businesses  
97 need to have Conditional Use Permits from the city.

98 Commissioner Royle feels okay about allowing an agreement using Jeff South's 3  
99 conditions. But, these people seem to need more than this. He guesses there would be a lot of  
100 noise from time to time, which is a concern to him.

101 Bryan Mickelson informed that the area is always clean. It is not a visual eyesore. They  
102 are only concerned about the noise, which goes on during the day and the evening. Joann  
103 Mickelson sees this more as a long range impact and decision. Her concern is not with these  
104 gentlemen, it's with the big picture for the area.

105 Commissioner Petersen suggested someone from the city needs to talk to Bill Carson  
106 about the noise problems and find out who else is working there that needs a permit. They  
107 suggested Councilmember Wright could take care of this.

108 Commissioner Royle felt these guys should be in a commercial area where they can  
109 make all the noise they want. He'd like to protect the residential zone of this area.

110 Pedro Arreola thinks they can abide by working on one car at a time. They keep the cars  
111 outside while they are waiting for their turn to be repaired in the bay. The Commission didn't  
112 like the idea of cars parked outside. Mr. Arreola said the bay can hold 4 cars inside.

113 Commissioner Zollinger read the conditions placed on Bill Carson’s permit in 2005 so the  
114 applicants would know what they need to abide by, as well.

115 **Commissioner Zollinger moved to “allow Pedro Arreola and Jose Mejia to run their**  
116 **business out of Bill Carson property at 708 E 600 S, using two bays with the following**  
117 **conditions: 1. They follow Bill Carson’s conditions on his permit dated March 25, 2005. 2.**  
118 **Only one vehicle for repair on the property at a time. 3. No visual or audible impact will be**  
119 **made on the neighborhood. 4. When using noisy machinery doors will be shut. 5. Hours of**  
120 **operation be limited to 8am to 6pm M-F and Saturday from 8am to noon.” Commissioner**  
121 **Seeholzer seconded the motion, which carried with Petersen, Royle, Seeholzer and Zollinger**  
122 **in favor. No one opposed.**

123 Commissioner Petersen said they need to move all the cars from outside within the next  
124 week or two.

125 Public Hearing to Discuss a Conditional Use Request from Matt Lundgren to Have a  
126 Martial Arts School Home Business at 496 S 850 E: Matt Lundgren explained he’d like to run a  
127 martial arts studio from his garage with a minimum amount of students, one to eight, probably  
128 none in the summer. He has read through the city’s parking ordinance and can abide by it.  
129 Commissioner Petersen said the city has received 3 letters of concern, all in opposition.

130 Connie Johnson lives nearby and is concerned because she grew up next to a home  
131 occupation which became a bad situation in their neighborhood. They would have parents wait  
132 in their cars and unleash the rest of their children into their neighborhood. Parents would sit  
133 out and smoke. They’d have picnics in their front yard, blast their music, play on their  
134 basketball court, etc. Parents were told a number of times by the instructor not to do these  
135 things but they didn’t listen. She is also concerned about the number of cars that will be  
136 coming and going since their neighborhood will have a lot of small children.

137 Jared Leatham is a neighbor with the same concerns. The road is very narrow and won’t  
138 have a turn-around spot for a couple years still. He expects cars would park in front of his  
139 house since Mr. Lundgrens driveway couldn’t hold more than three cars. If it’s a business that  
140 requires customers, they should be in an area that has a parking lot.

141 Dave Walker, a neighbor, is pro businesses, but not in a residential neighborhood. He is  
142 also concerned about the parking situation.

143 Matt Lundgren was planning to use his own driveway for parking. He only foresees one  
144 to eight vehicles during the entire day. He plans to have one to four students at a time. He  
145 won’t allow anyone on someone else’s property. He has no problem with telling people how it  
146 is. Many of his students will be within walking distance of his home. Commissioner Petersen  
147 reminded him that if he sells the property, another owner may not be as strict with these rules.

148 Jared Leatham said it doesn’t matter how many students he has, there will be extra  
149 traffic. Commissioner Zollinger asked Mr. Lundgren if he could live with no on-street parking.  
150 He said it might be difficult, but he would make it work.

151 Commissioner Royle feels the Commission should listen to the residents that live in the  
152 area. He doesn't want to allow businesses in a residential zone unless it would go unnoticed,  
153 which doesn't seem to be the case here.

154 Matt Lundgren wants to run this business from his home for the community, as well as  
155 for himself. He isn't designing it to be a big business. He'd be willing to go pick up his students  
156 in his own car if he needs to. He wasn't planning to use the curb, just his driveway.

157 Dave Walker was concerned that a business across the street might affect his property  
158 values

159 Commissioner Petersen asked for a motion.

160 **Commissioner Royle moved to "approve a conditional use permit request from Matt**  
161 **Lundgren for a martial arts studio in his garage at 496 South 850 East with the following**  
162 **conditions: 1) Hours are limited to 5-9, Monday – Friday and Saturday from 10-noon. 2)**  
163 **Parking will be limited to the driveway only. 3) No audible or visual impact on the**  
164 **neighborhood. Commissioner Zollinger seconded the motion, which didn't carry. Petersen,**  
165 **Royle, Seeholzer and Zollinger were opposed. No one was in favor.**

166 Matt Lundgren was disappointed with the outcome.

167 Discuss Changes to the City Code: Recorder Lind asked the Commissioners which one of  
168 them would take on the assignment to revise two small sections of code that need a bit more  
169 clarification. Slight changes were made to one section. Commissioner Petersen assigned  
170 Commissioner Royle to draft a definition for "adoption" to be included in the animal ordinance  
171 and to get it to Councilmember Wright by the end of the week.

172 The meeting adjourned at 8:50 p.m.

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Sheila Lind, Recorder

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Danny Petersen, Vice Chair