

River Heights City

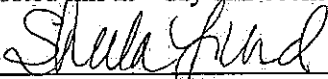
RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

Wednesday, January 4, 2016

Notice is hereby given that the River Heights City Planning Commission will hold their regular meeting beginning at 7:00 p.m. in the River Heights City Office Building at 520 S 500 E.

- 7:00 p.m. Adoption of Prior Minutes
- 7:02 p.m. Elect Chair and Vice-Chair for 2017
- 7:05 p.m. Public Hearing to Discuss a Conditional Use Permit from Bryan and Brittany Cascio for a Photography Studio at 594 S 400 E
- 7:30 p.m. Discuss Solicitor Licensing
- 7:45 p.m. Discuss Minor Code Revisions
- 8:00 p.m. Adjourn

Posted this 29th day of December 2016



Sheila Lind, Recorder

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

January 4, 2017

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5 Present: Commission members: Danny Petersen, Vice Chairman

6 Lance Pitcher

7 Cindy Schaub

8 Jake Zollinger

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10 Councilmember

Blake Wright

11 Recorder

Sheila Lind

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13 Excused Commissioner Mark Malmstrom

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15 Others Present: Bryan and Brittany Cascio, Tony Johnson, LaVar

16 Rasmussen

17 18 Motions made during the Meeting

19 20 Motion #1

21 Commissioner Schaub moved to "approve the minutes of the December 14, 2016
22 Commission Meeting." Commissioner Zollinger seconded the motion, which carried with
23 Petersen, Pitcher, Schaub and Zollinger in favor. No one opposed. Malmstrom was absent.

24 25 Motion #2

26 Commissioner Schaub moved to "approve the Conditional Use Permit Request by Bryan
27 and Brittany Cascio for a photography studio at 594 S 400 E subject to:

- 28 1. The provisions of the Historic Landmark Overlay Zone Ordinance, as previously
- 29 approved by the City council, and
- 30 2. A 150% security of performance bond in place, as approved by the city engineer, to
- 31 cover all exterior improvements not completed, including the remediation of the
- 32 underground storage tanks."

33 Commissioner Zollinger seconded the motion, which carried with Petersen, Pitcher, Schaub
34 and Zollinger in favor. No one opposed. Malmstrom was absent.

Proceedings of the Meeting

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The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on January 4, 2017.

Adoption of Prior Minutes: Minutes for the December 14, 2016 Planning Commission Meeting were reviewed.

Commissioner Schaub moved to “approve the minutes of the December 14, 2016 Commission Meeting.” Commissioner Zollinger seconded the motion, which carried with Petersen, Pitcher, Schaub and Zollinger in favor. No one opposed. Malmstrom was absent.

Elect Chair and Vice-Chair for 2017: Commissioner Petersen asked for nominations. Commissioner Schaub nominated Mark Malmstrom as chair for 2017. The others agreed. Commissioner Zollinger nominated Commissioner Schaub as vice chair. The others agreed.

Public Hearing to Discuss a Conditional Use Permit from Bryan and Brittany Cascio for a Photography Studio at 594 S 400 E: Commissioner Petersen opened the public hearing. LaVar Rasmussen stated he lives across the street from the gas station. He has lived there a long time and gave a history of the station. He said it looks better today than ever. He would like the building to be used and taken care of. He had no objection to a photo studio in this building and said if the Cascios have a shortage of parking, they are welcome to use his driveway.

Commissioner Schaub read Jane DeByle’s written comment out loud, in which she expressed hope that the business would be regulated in case it became a problem. Brittany Cascio stated they will let their clients know they need to park in the lot on the property. Other photographers who rent the building will sign a contract, which includes parking instructions.

Commissioner Pitcher asked if the citizens would let the city know when conditions are being violated. He was told this is usually how the city finds out. Bryan Cascio felt, since they live in the neighborhood, they understood the area. He hopes if neighbors have concerns they would approach them, but if they go to the city that would be fine too. They want to be good neighbors.

Commissioner Wright explained that the Council stipulated in the Historical Landmark Overlay Ordinance that a Conditional Use Permit wouldn’t be granted until all exterior improvements were in place. However, he didn’t feel it was reasonable, in this situation, to require all the exterior items be finished (such as landscaping) because of the weather. He believes Tony Johnson has made a good faith effort up to this point. Mr. Johnson has been working with City Engineer Rasmussen, who has recommended considering approval of the CUP with the addition of a 150% performance bond being in place, to cover sidewalks, sprinkling system, pole sign installation, letters installation, gas pumps install, island lights install, site plantings and asphalt repairs.

75 Councilmember Wright said the other unknown is whether something will need to be
76 done with the underground storage tanks. Tony Johnson informed that he is working with an
77 engineer who will test the underground tanks to see if they need to be removed or not.

78 Mr. Johnson has also asked the city to contribute on the sidewalk costs, which will be
79 resolved later.

80 Councilmember Wright Blake feels with a performance bond as a condition, the city
81 would feel safe to go ahead with the permit.

82 **Commissioner Schaub moved to “approve the Conditional Use Permit Request by**
83 **Bryan and Brittany Cascio for a photography studio at 594 S 400 E subject to:**

84 **3. The provisions of the Historic Landmark Overlay Zone Ordinance, as previously**
85 **approved by the City council, and**

86 **4. A 150% security of performance bond in place, as approved by the city engineer, to**
87 **cover all exterior improvements not completed, including the remediation of the**
88 **underground storage tanks.”**

89 **Commissioner Zollinger seconded the motion, which carried with Petersen, Pitcher,**
90 **Schaub and Zollinger in favor. No one opposed. Malmstrom was absent.**

91 Commissioner Pitcher pointed out that the refurbished gas tanks are very valuable and
92 hopes they won't be vandalized. Tony Johnson said he debated about having new ones made
93 but feels the original ones will be okay.

94 Tony Johnson thanked the Commissioner for their help in getting this approved,
95 especially for Commissioner Schaub's fantastic job on the overlay ordinance.

96 Discuss Solicitor Licensing: Commissioner Schaub said Commissioner Malmstrom had
97 some concerns with the restrictiveness on page 2, letter H. Others agreed. Discussion was held
98 on if food handlers permits would be required to sell food. Commissioner Zollinger explained if
99 food is sold that isn't packaged, a permit needs to accompany the seller. Otherwise, there
100 needs to be a permit where the food is prepared. Mr. Zollinger will look into some verbiage
101 that could be used to address this.

102 Commissioner Malmstrom also pointed out (via email) that the ordinance doesn't
103 mention any age limits for getting a permit. The Commission felt the applicant must be 18
104 years or older. Ms. Schaub will incorporate this suggestion, along with a few other minor
105 changes discussed.

106 Discuss Minor Code Revisions: Commissioner Petersen led a discussion on the changes.
107 The Commission decided to remove the previous fence revisions since the new fence height
108 requirement will be listed in the Area Regulations Chart (10-12-2).

109 Councilmember Wright discussed the new proposed changes in regards to public
110 improvements. Street lighting used to be taken care of by Rocky Mountain Power. These days
111 subdividers are required to install LED lighting. The city takes them over after the subdivision is
112 complete and accepted.

113 Commissioner Schaub mentioned the 600 South field (south of Saddlerock). At some
114 point it will be developed. She asked if the city would consider purchasing a 10-foot strip along
115 the road, for green space. Councilmember Wright suggested it could be recommended at the
116 time it goes up for sale.

117 Recorder Lind asked for consideration on the complaint from Jane DeByle concerning
118 the preschool parking problem at 400 East 500 South. Councilmember Wright suggested he
119 and Recorder Lind could draft a letter to the owner, bringing to her attention the violation of
120 her Conditional Use Permit. They will bring the draft to the next Planning Commission meeting
121 for their approval, since it will be from the Commission.

122 Recorder Lind discussed some possible additional code changes regarding snow
123 removal, suggested by PWD Nelson this past week. She will bring the suggested verbiage to the
124 Commission at their next meeting.

125 The meeting adjourned at 8:15 p.m.

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Sheila Lind, Recorder

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Danny Petersen, Vice-Chairman

**River Heights City
Conditional Use Application**

For office use	
Date Received	12/21/16
Receipt #	183
Hearing Date	Jan 4, 2017
Approved	_____
Denied	_____

Please fill out all applicable information.

1. APPLICANT

Name: Brittany & Bryan Cascio
Mailing Address: 660 S. 400 E. River Heights, UT 84321
Phone #: (435) 752-0652 Fax #: _____ e-mail: casciophoto@gmail.com

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

2. PROJECT INFORMATION

Name: Station Studio LLC
Address/Location: 594 S. 400 E. River Heights, UT 84321
Property Tax ID: 02-016-0050 Existing zone: Residential /
Historic overlay zone.
What is the current use of the property? _____

How many employees will be working at this location including applicant, immediate family members, and non-family members? 2

How many vehicles will be coming and going daily, weekly, or monthly? Varies, by appointment

I agree to abide by the River Heights City Parking Ordinance (10-13). Initial PC only (6 @ a time) max

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

Description of Request: On site photography studio.
Appointments will fall within the public
hours of operation, which are 7:00 am - 10:00 pm.
There will be a maximum of 6 cars
allowed on the property at a time.

3. SUBMITTAL REQUIREMENTS

- Completed and signed application form
- \$100 application fee
- ~~8 1/2" x 11" copy of plans~~
- List of property owners names and addresses within 300 feet of the property lines, not the location of the request. This list must be obtained from the County Recorder (179 N Main).
- Provide to River Heights City a Fire Protection evaluation from the County Fire Chief.

4. ACKNOWLEDGMENT OF RESPONSIBILITY

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

Signature of Applicant:

[Handwritten Signature]
 Sign

Brittany Cascio
 Print

12/21/10
 Date

5. AFFIRMATION OF SUFFICIENT INTEREST

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

[Handwritten Signature]
 Sign

12/21/10
 Date

We concur with the foregoing.
Tony Johnson
[Handwritten Signature], manager River Trust, owner of the
 building at 594 South 400 East, River Heights
 call with any questions. (435) 764-2200

NEW SINCLAIR

Dear Commissioner Mark Malmstrom,

My question is who will regulate whether they are following the agreement/permit? If they are not complying with the agreement/permit is it up to the neighbors to report it? I live across from the preschool on 500 S. The arrangement is currently not being being followed. . The cars are parking, idling, making u turns, and blocking my ability to enter and exit during drop off and pick up times.

I support these businesses, I just want them to do what is agreed upon.

Sincerely,
Jane E. De Byle
416 E 500 S
River Heights
435-753-0884

PURPOSE To outline boundaries of door-to door-sales/solicitors and to protect citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

DEFINITIONS

BCI (Bureau of Criminal Identification) Report: An original or copy, ~~dated no older than one hundred eighty (180) days prior to the date of the application,~~ of either:

- A) Utah department of public safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or
- B) **Verification** by the Utah department of public safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

CANVASSER OR SOLICITOR: Any individual whether or not a resident of this community, traveling from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise for future delivery. This also includes services to be furnished or performed in the future.

CHARITABLE ORGANIZATION: Any organization that is benevolent, philanthropic, patriotic, educational, political, religious, ~~or~~ charitable, or one purporting to be such.

One that is tax exempt under applicable provisions of the internal revenue code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

CONTRIBUTION: The promise or grant of any money or property of any kind or value.

DOOR TO DOOR SOLICITATION: The practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, in order to secure a sale of goods and/or services.

PERSON: Any individual, organization, group, association, partnership, corporation, or any combination of them.

PERMIT REQUIRED

It shall be unlawful for any solicitor or canvasser to engage in such business without first obtaining a permit in compliance with the provisions of this chapter.

APPLICATION FOR PERMIT

The River Heights City Recorder shall provide a standard application form for the registration of solicitors. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

- A. Review of Written Disclosures: An affirmation that the applicant has received and reviewed the disclosure information required by this chapter.
- B. Contact Information:
 - 1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
 - 2. Applicant's telephone number, home address and mailing address, if different;
 - 3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and
 - 4. The address by which all notices to the applicant required under this chapter are to be sent.
- C. Proof of Identity:
 - Valid driver's license issued by any state; or
 - Valid passport issued by the United States; or
 - Valid identification issued by a branch of the U.S. military

- D. The length of time for which the applicant desires to engage in business within the city.
- E. The places within the city where the applicant proposes to carry on his or her business.
- F. A photograph of the applicant, taken within six (6) months prior to the date of filing the application, being two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner.
- G. A statement as to whether or not the applicant or any of his employees have been convicted of any crime, misdemeanor, or violation of any municipal ordinance and the nature of the offense and the punishment or penalty assessed.
- H. If the applicant desires to sell fresh vegetables, fruits, meats or other foodstuffs, a statement by a reputable physician of the state, dated within (10) days of submission of the application, certifying the applicant to be free of infectious, contagious or communicable diseases.
- I. If the applicant is employed by another person, firm, or corporation, documentation showing the entity is authorized to do business in the State of Utah.

BCI – CRIMINAL BACKGROUND CHECK

The applicant shall provide an original or copy, dated no older than 180 days prior to the date of the application, of either:

- A) Utah Department of Public Safety Bureau of Criminal Identification-verified criminal history **report** personal to the applicant; or
- B) **Verification** by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

USE OF PERSONS NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTIONS PROHIBITED

No charitable organization, professional fundraiser, or professional solicitor seeking to raise funds for charitable purposes, shall use the name of any other person to solicit contributions without the written consent of the person.

INVESTIGATION AND ISSUANCE OF LICENSE

A. On receiving the application, the City Recorder shall investigate the applicant's business standing and moral character for the protection of the public good.

B. Unsatisfactory result of Investigation: If, as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory, the City Recorder shall mark the application denied, together with the reason. The City Recorder shall then notify the applicant that his application has been disapproved and that no permit will be issued.

C. Satisfactory Result of Investigation: If the character and business responsibility of the applicant is found to be satisfactory, the City Recorder shall mark the application approved and upon payment of the permit fee, issue a permit. Such permit shall show the name, address and photograph of the licensee and the kind of goods to be sold, pursuant to the application, together with an expiration date.

FEE; TERM OF PERMIT

- A. The permit fee is listed on the fee schedule held at the River Heights City office.
- B. No permit shall be valid for more than one (1) year. Expiration of permit will be commensurate with payment of fee.
- C. River Heights City will allow the responsible Permit applicant/holder to be issued additional individual permits for their organization. In that instance, only ^{one}(1) permit fee will be required.

- A. Issuance: The City Recorder shall issue to each solicitor, an identification badge containing the words "Permitted Solicitor", the number of the permit, in letters with figures easily discernible from a distance of five feet (5').
- B. Such badge shall be worn by the solicitor at all times while soliciting in the city and be on the front of their outer garment.
- C. The identification badge shall bear the logo of River Heights City and shall contain:
 - 1) the name of the solicitor;
 - 2) address and phone number of the solicitor (or the name, address, and phone number of the responsible person or entity;
 - 3) a recent photograph of the solicitor; and
 - 4) the date on which the permit expires.

NONTRANSFERABILITY OF PERMITS

Permits shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The permit shall be nontransferable.

ADDITIONAL REQUIREMENTS

- A. This chapter does not waive the provisions and requirements of any other ordinance of the city. The requirements and fees listed for the solicitor permit are in addition to any other requirements and fees of any other ordinance of the city.
- B. Application Information: The City Recorder will confirm the legitimate address of the home office of the business involved and telephone number.
- C. Confirmation of Legitimate Business: The City Recorder will call the Better Business Bureau in the city of the home office to determine if the business is legitimate.

EXCEPTIONS

Any church or charitable organization is not required to obtain a permit for solicitation purposes.

DECEPTIVE SOLICITING PRACTICES PROHIBITED

- A. No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
- B. A solicitor shall immediately disclose to the consumer during face to face solicitation:
 - 1) the name of the solicitor;
 - 2) the name and address of the entity with whom the solicitor is associated; and
 - 3) the purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flyer.
- C. No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.
- D. No solicitor shall represent directly or by implication that the permit issued by River Heights City is an endorsement of their product. River Height City does not endorse any product and/or services.

NO SOLICITATION NOTICE

- A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "no solicitation" sign on their property.

- B. The display of such sign or placard shall constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.
- C. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.

DUTIES OF SOLICITORS

- A. Every person soliciting shall check each residence for any "no soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises. If such sign or placard is posted, solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a permit does not in any way relieve any solicitor of this duty.
- B. It is a violation of this chapter for any person soliciting to knock on the door, ring the doorbell, or attempt to attract the attention of an occupant of a residence that bears a "no solicitation" sign or similar sign for the purpose of soliciting.
- C. It is a violation of this chapter for any solicitor through ruse, deception, or fraudulent concealment to solicit or take action in order to secure an audience with an occupant at a residence.
- D. Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
- E. The solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent.
- F. The solicitor shall not follow a person into a residence without their explicit consent.
- G. The solicitor shall not continue repeated soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the solicitor.
- H. The solicitor shall not use obscene language or gestures.

TIME OF DAY RESTRICTIONS

It shall be unlawful for any person, whether permitted or not, to solicit at a residence before nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. Mountain Time, unless the solicitor has express prior permission from the resident to do so.

BUYER'S RIGHT TO CANCEL

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "buyer's right to cancel" shall be in the form required by section 70C-5-103, Utah Code Annotated, 1953, or a current version thereof or any state or federal law modifying or amending such provision.

PENALTIES

Any person who violates any term or provision of this chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months.

REVOCAATION

Licenses issued pursuant to this chapter may be revoked by the city, after notice, for any of the following causes:

- A. Fraud, misrepresentation or a false statement contained in the application for the license.
- B. Fraud, misrepresentation for false statement made in the course of carrying on his business as solicitor, canvasser, peddler or itinerant merchant.
- C. Any violation of this chapter.
- D. Conviction of any crime or misdemeanor involving moral turpitude.
- E. Conducting the business of a solicitor, canvasser, peddler or itinerant merchant in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public

NOTICE OF REVOCATION

Notice of revocation of a permit shall be given in writing, specifically listing the grounds of complaint/reason. Such notice shall be mailed to the licensee at his last known address or at the address shown on his application.

APPEAL

Any person aggrieved by the action of the city in the denial or revocation of a permit, pursuant to this chapter, may file an appeal. Such written appeal must be received by the city council within fourteen (14) calendar days after mailing of the denial/revocation notice. All notices will be mailed to the person's last known address on the business application. A time and place to hear such appeal shall be set and given/mailed to the applicant.

Code changes for Planning Commission Discussion
January 2017

(11-5-1 has been added to the list since the last meeting. All other suggested changes have been previously discussed.)

3-1-3: DEFINITIONS

HOME OCCUPATION: - A legal use or business, conducted within a dwelling or upon residential property. Business activity shall be clearly and obviously subordinate to the main purpose of the home as a residence. The owner of the business must live in the home. Conditional use of that property will become void when business owner moves from the home.

3-1-8: PERMITTED USES REQUIRING A CONDITIONAL USE PERMIT AND LICENSE

Add:

J. Outdoor Displays

9-4-4:G. SOLAR ENERGY SYSTEM REQUIREMENTS

Add

6. A Zoning Clearance Permit is required for ground or pole mounted systems, which are considered an accessory use.

10-12-2:A: AREA REGULATIONS CHART

Rear yard on a street (except corner lot) [6 feet in all zones]

Rear yard on a street (corner lot) [4 feet in all zones]

10-13-15: REAR LOT FENCES (Delete this section?)

Fences on rear yards must conform to clear view of intersecting streets. Any fence constructed on said owner's lot cannot exceed (6') feet in height. If the rear lot is adjacent to a public road the fence may not be built closer than one (1') from the sidewalk and the property owner is responsible to maintain the section between fence and sidewalk. Refer: 10-12-2.

11-5-1:C:1. PUBLIC IMPROVEMENTS/Construction and Inspection/Minimum Improvements:

- a. Completion of roadways and street lighting, as shown on the approved construction drawings;

11-6-7:C: OTHER GENERAL STANDARDS (Design Standards Section)

Street Lighting: Street lighting shall be provided and installed by the subdivider and conform to the ~~design~~ City Public Works Construction Specifications and Standards and, the rules and regulations of the city outdoor lighting ordinance, title 9, chapter 3 of this code. The subdivider shall work with the city engineer to determine the style, size and location of street lighting in subdivisions. (5-2014, 8-26-2014)