

River Heights City

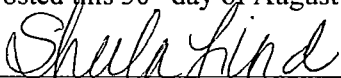
RIVER HEIGHTS CITY PLANNING COMMISSION AGENDA

Wednesday, September 6, 2017

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
- 7:05 p.m. Site Visit to Chugg Property (600 South 1000 East)
- 7:35 p.m. Presecketch Conference with Ironwood Construction
- 8:00 p.m. Discuss Code Changes Regarding Noise as a Nuisance, Home Occupation Licensing, Utility Vehicle Parking and Setbacks
- 8:30 p.m. Adjourn

Posted this 30th day of August 2017



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
September 6, 2017

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Present: Commission members: Mark Malmstrom, Chairman
Danny Petersen
Lance Pitcher
Cindy Schaub
Jake Zollinger

Councilmember Blake Wright
Recorder Sheila Lind
Mayor James Brackner

Others Present: Jeff Jackson, Craig Winder, Gayle Brackner, Don Calderwood, Rob Gines, Erika Zollinger, Lori Weinburger, Mick and Jennifer Perkins

Motions made during the Meeting

Motion #1

Commissioner Petersen moved to “approve the minutes of the August 2, 2017 Commission Meeting.” Commissioner Schaub seconded the motion, which carried with Malmstrom, Petersen, Pitcher, Schaub and Zollinger in favor. No one opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 7:00 p.m. in the Ervin R. Crosbie Council Chambers on September 6, 2017.

Adoption of Prior Minutes: Minutes for the August 2, 2017 Planning Commission Meeting were reviewed.

Commissioner Petersen moved to “approve the minutes of the August 2, 2017 Commission Meeting.” Commissioner Schaub seconded the motion, which carried with Malmstrom, Petersen, Pitcher, Schaub and Zollinger in favor. No one opposed.

Site Visit to Chugg Property (600 South 1000 East): The group left at 7:05 to walk the property and returned to the City Building at 7:45 p.m.

Preseketch Conference with Ironwood Construction: Jeff Jackson gave some background on the project and it’s potential. He doesn’t believe a traditional subdivision does the property any justice. He has met with River Heights City officials on several occasions. He pointed out the changes they have made to the project since the public hearing. They are proposing a net density of 3.8 units/acre, which is less dense than a normal 10,000 square foot

44 lot subdivision. They are providing 14.1 acres of open space. They want to provide for all
45 demographics in this area. They believe they can start the townhomes at \$180,000.

46 Commissioner Zollinger asked if they have a contract with the Church for their property.
47 Mr. Jackson said it is in the works. The Church is willing; it just needs to go through the process.
48 If Ironwood doesn't buy it, it would be landlocked.

49 Commissioner Schaub likes the multi-use, the green open area along 1000 East and 600
50 South, to avoid the corridor look. She'd rather see the townhomes along 1000 East than near
51 600 East. She pointed out the parking area for the park is located across a road. She likes the
52 creek as an amenity for the whole development. She is concerned about the amount of traffic
53 onto 600 East. She suggested two sections of townhomes, rather than one. Mr. Jackson said
54 he prefers the park area dispersed throughout the development, however, the public wanted
55 to see it clumped together. They are open to either option. Commissioner Malmstrom
56 suggested taking the road on the north side of the park. He asked who would maintain the
57 park. Mr. Jackson said its up for discussion. There is another party who has expressed a
58 willingness to donate the park infrastructure.

59 Commissioner Malmstrom discussed the road intersecting 600 East; it's next to the
60 church exit. Mr. Jackson suggested the Church could do away with their exit and connect the
61 parking lot to their road.

62 Mr. Jackson reminded they still have the ability to go to Providence since the Chugg
63 property is still in the county. He believes River Heights is a better fit for this development. If
64 River Heights won't allow townhomes, they will approach Providence. Commissioner Petersen
65 asked if they could decrease the townhomes by about half and add more active adult lots. Mr.
66 Jackson has talked to developers of active adults projects who say 25 units is the magic number.
67 The general rule is they will pull people from a five-mile radius. Mr. Petersen asked if he would
68 consider getting rid of the townhomes. Mr. Jackson said, "No." Commissioner Schaub wouldn't
69 mind them, but wants them dispersed.

70 Mr. Winder explained the dynamic is that the fewer lots they offer, the less amenities
71 they can afford to provide. Commissioner Petersen isn't sure River Heights needs townhomes
72 because people will come to River Heights regardless. Mr. Jackson doesn't believe River
73 Heights is offering enough affordable housing in the city. Mr. Petersen pointed out the older
74 area of smaller homes are considered affordable. He could live with a few townhomes, but
75 would like to see less of them. Mr. Jackson reminded they have dropped the number by 30
76 since the previous plan.

77 Commissioner Malmstrom pointed out the Falls Townhomes are just below River
78 Heights and there are more on the south border in Providence. He pointed out that
79 townhomes are generally located on the west side and closer to Main Street. Mr. Jackson said
80 he's not pushing for affordable housing as much as a healthy design for this community, and for
81 economic reasons. He feels those who buy the townhomes will be young professionals with a
82 few older people. He didn't agree that townhomes need to be shoved in certain areas, but can
83 go anywhere.

84 Commissioner Schaub would like the project in River Heights, but would like to see the
85 plan massaged a bit.

86 Commissioner Petersen wants the number of townhomes cut back. They typically
87 change within 20 years and tend to not work for communities. Mr. Winder discussed CC&Rs

88 that would be put in place and monitored by an HOA. Mr. Jackson agreed there are often
89 problems with HOAs, which are due to few units. Larger developments do better with HOAs
90 because there are more residents to serve on the board. There are also professional property
91 managers who can enforce the CC&Rs. He pointed out, The Falls and Four Seasons Townhomes
92 have done well.

93 Mr. Jackson explained their goal is to get a project approval before annexation. The city
94 attorney's initial reaction was to start with the annexation. But, as the landowner, is not willing
95 to do this because he could potentially annex and then not receive approval from the city for
96 townhomes. They have worked with other cities who have accepted their project prior to
97 annexation and rezoning.

98 Councilmember Wright said the city attorney has advised the city not to approve
99 anything until the land is annexed. The first time the council gives approval in the process is the
100 sketch plan. Mr. Winder said the attorney's concern was, whether or not the city could
101 approve something not in their jurisdiction. He has asked about the possibility of getting all the
102 way through the process and then not getting approval for the annexation. Mr. Winder
103 suggested the city attorney check with North Ogden's city attorney to see how this process has
104 worked for them. He stated they have also done this with Providence on a five-acre piece. This
105 isn't a new procedure. Mr. Wright doesn't believe Attorney Jenkins' opinion will change yet.

106 Councilmember Wright pointed out the land is not currently included in the city's
107 general plan. Therefore, the Plan would need to be amended. He suggested this would be a
108 good starting place. Mr. Jackson would want this property to be zoned as PUD, which would
109 allow density leniency for some amenities. Commissioner Petersen expressed concern over the
110 PUD zone. Mr. Wright reminded that the design is still up for negotiation. The General Plan
111 changes would be recommended by the Commission to the Council. Commissioner Malmstrom
112 suggested discussing this at the next meeting.

113 Councilmember Wright asked the Commissioners if they had anxiety about the
114 townhomes because they don't know what they will look like. Commissioner Schaub asked
115 where they could go to look at similar ones. Mr. Jackson said each plan is a little different. He
116 told of one they just finished in North Ogden. He could get the address to Recorder Lind. The
117 layouts will be similar but they will look different. Mr. Wright suggested the Commission would
118 like to see what they will look like. Commissioner Malmstrom said the other anxiety is the
119 number of townhomes. Ms. Schaub is concerned about the exterior look of the whole
120 development. Mr. Wright informed the Commission that now is the time to ask all their
121 questions so they feel comfortable recommending a zone change to the Council. Mr. Jackson
122 was willing to invest in renderings if he felt assured this is headed in their direction. Mr. Wright
123 said this will drag on if the Commission isn't comfortable rezoning the property to PUD. He
124 asked to see what the exterior of the buildings would generally look like. Discussion was held
125 on what look the Commission would like. Mr. Jackson asked if they were okay with the active
126 adult, and single lots. It was confirmed that their main concern was the townhomes. Mr.
127 Wright would like to see the single family lots no smaller than 10,000 square feet. The
128 Commissioners were each generally open to the PUD zone.

129 Mr. Jackson was hearing his density is going down by 8-10 lots and townhomes are yet
130 to be seen on how many they will lose. They could lose 40 lots, which doesn't balance the 14
131 acres to be donated to the city. He suggested he should start some negotiations with

132 Providence, unless River Heights wants to purchase the park space. Mr. Wright encouraged
133 him to bring some proposed ideas of what they would like and what the city needs to
134 contribute for it to be able to work.

135 There was a question on whether they needed to wait for a response from the city
136 attorney. Mr. Wright said, not necessarily, if Ironwood is willing to take the risk. Mr. Jackson
137 said they are willing to risk it.

138 The next step will be the sketch plan. The Commission was willing to entertain the PUD
139 idea. Mr. Jackson would like to be on the next agenda to show and get feedback on what they
140 work up. He will bring renderings and a color site plan. Two weeks after that they are hoping
141 to be ready for a public hearing on the sketch plan.

142 Discuss Code Changes Regarding Noise as a Nuisance, Home Occupation Licensing,
143 Utility Vehicle Parking and Setbacks: Councilmember Wright discussed concern from some
144 residents about unattractive utility vehicles being parked overnight on city roads. There are
145 two or three in the city that have attracted complaints from residents. He quoted 10-7-3:F,
146 from the Mixed Use section, which states no commercial vehicles are allowed in the zone for
147 more than 72 hours. He suggested if the mixed-use zone requires this then the city could also
148 require it in a residential zone.

149 Commissioner Malmstrom asked if the immediate concern was parking on the street or
150 on private property. Mr. Wright has observed both.

151 Mick and Jennifer Perkins, of Mountain View Drive, were in attendance. Mr. Perkins
152 parks his Xfinity truck in front of his house when he is not working and is aware this is bothering
153 the neighbors. Ms. Perkins asked if the problem was unattractiveness. She was told this was
154 correct. Mr. Wright pointed out that if he lived across the street from the Xfinity vehicle he
155 wouldn't like to see it either. Mr. Perkins explained he doesn't have an office so he brings the
156 truck home when he isn't working. He is also required to be on call every 3 or 4 weeks, so he
157 needs his work vehicle at home; it's their livelihood. They park on the street, rather than in
158 their driveway for safety reasons, so he won't need to back up.

159 Commissioner Petersen didn't feel it was such a big deal because the vehicle is tied to
160 his livelihood. The other Commissioners agreed.

161 Ms. Perkins informed it's the same size as a heavy-duty truck which may be parked by
162 any other resident. Eventually, they will have other drivers in their home that may have ugly
163 vehicles that neighbors won't like.

164 Generally, the Commission didn't feel the necessity to change the ordinance at this
165 time, concerning this issue.

166 Discussion was held on the home occupation code changes, which were presented by
167 Recorder Lind. The Commission worked on tweaking the verbiage from suggestions she
168 brought up, regarding 'impacts to the neighborhood.' They made some adjustments.

169 Commissioner Zollinger left at 9:35 p.m.

170 Councilmember Wright made suggestions on setback changes as follows:

- 171 • R-1-8: 20' front, 8' sideyard, 20' sideyard on a street, 15' rearyard
- 172 • R-1-10: 20' front, 9' sideyard, 20' sideyard on a street, 15' rearyard
- 173 • R-1-12: 25' front, 10' sideyard, 25' sideyard on a street, 20 rearyard

174 The meeting adjourned at 10:00 p.m.

175 Commissioner Schaub informed she will be gone to Virginia for four months, but would
176 like to continue to be involved on the commission, electronically.


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Sheila Lind, Recorder

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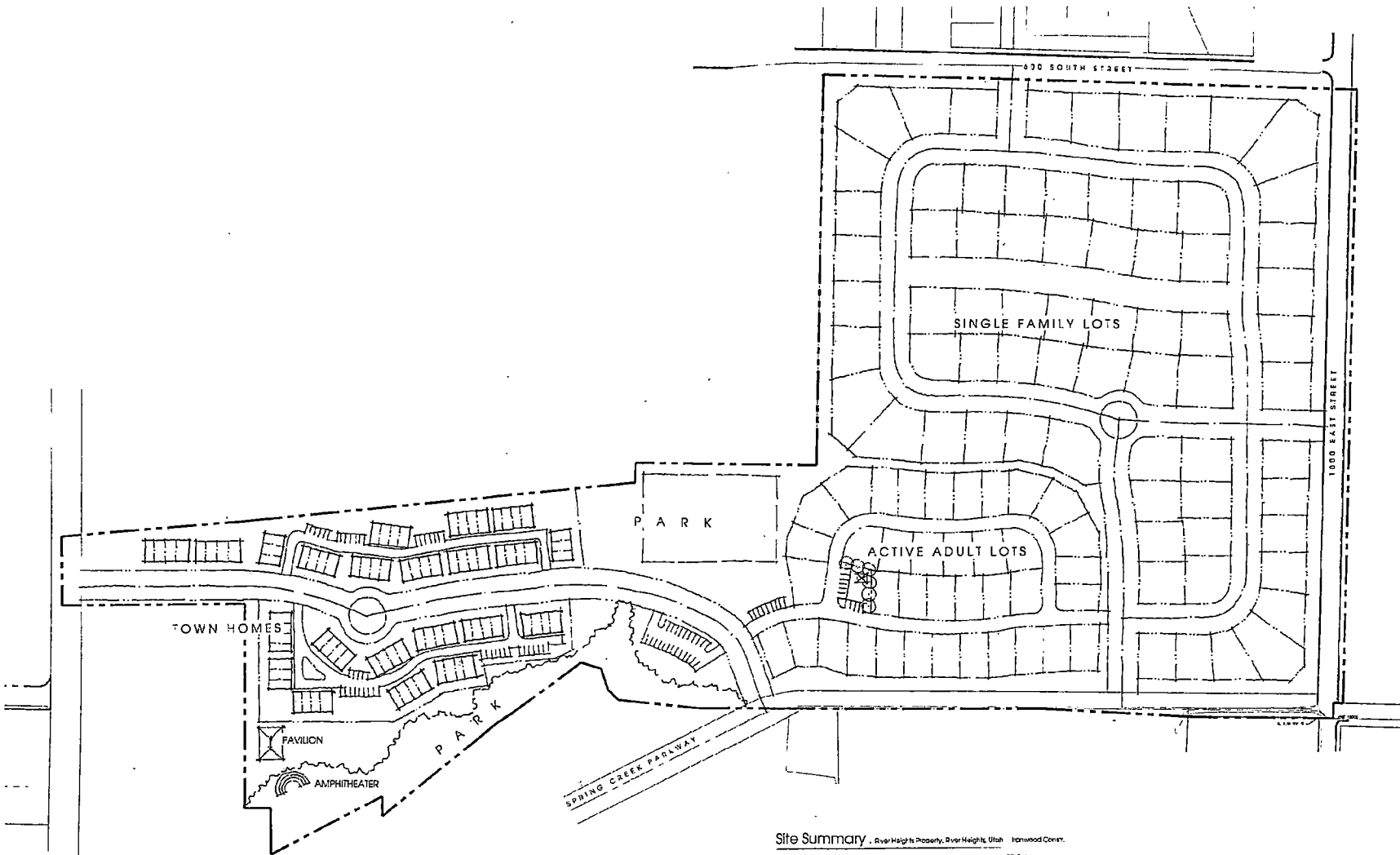
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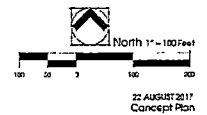


Mark Malmstrom, Chairman



Site Summary - River Heights Property, River Heights, Utah Ironwood Const.

Site		63.2 Acres
Dedication 1000 East	1.7 Acres	
Dedication Spring Creek Parkway	1.2 Acres	
Net Area:		60.3 Acres
Uses		153
Single Family Lots		
23.8 Acres gross	70 Lots	2.9 U/Ac.
3,000 - 10,000 sq. ft.	37 Units	
10,000+ sq/ft average	33 Units	
Average sq. ft.	10,450 sq. ft.	
Active Adult Single Family Lots: 60 x 72 ft. minimum		
7.9 Acres gross	35 Lots	3.6 U/Ac.
Average sq. ft.	4,500 sq. ft.	
Guest parking: 14 stalls 0.47 stalls per unit		
Town Homes: 3.8 Acres	65 Units	16.1 U/Ac.
Guest parking: 37 stalls 0.67 stalls per unit		
Net Density:		3.8 Units/Acre
Streets:	8347 sq. ft. of 66 ft. -	9.6 Acres
Open Space:		14.1 Acres 28%
Park:	6.8 Acres	
Buffers and Trails:	4.5 Acres	
Town Homes:	2.8 Acres	



RIVER HEIGHTS PROPERTY
City, State
Ironwood Construction, 60 East 2500 North, North Logan, Utah

R. MICHAEL KELLY
CONSULTANTS
LAND PLANNING - LANDSCAPE ARCHITECTURE
100 S. 400 NORTH, UTAH 84301

PROPOSED CHANGES TO 3-1 (9/6/17)

BUSINESS LICENSE PROVISIONS

3-1-1: TITLE

This chapter shall be known as THE BUSINESS AND HOME OCCUPATION ORDINANCE OF RIVER HEIGHTS CITY, and may be so cited and pleaded. (Ord. 04-06-09, 6-8-2004)

3-1-2: PURPOSE

This chapter is designed and enacted for the purpose of allowing home occupations that are compatible with the neighborhood in which they are located. It is also intended that the home occupation shall not detract from the residential character, and promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city. (Ord. 04-06-09, 6-8-2004)

3-1-3: DEFINITIONS

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

- BUSINESS:** Means and includes all activities engaged within the city carried on for the purpose of gain or economic profit.
- 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, service, wares and merchandise for future delivery.
- This also includes services to be furnished or performed in the future. (Ord 2-2017, 3-14-17)
- CITY OR MUNICIPALITY:** The municipality of River Heights City.
- CONTRACTOR:** Means and includes anyone defined as a "contractor" in Utah Code Annotated section 58-55-102, the Utah construction trades licensing act. A contractor operating from his residence within the city limits shall be required to obtain a license and pay the applicable fee as required in this chapter.
- ENGAGING IN BUSINESS:** Means and includes, but is not limited to, wholesale or retail, the manufacturing of goods or property, and rendering of personal services.
- 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's owner moves from the home. (2-2017, 3-14-17)

HOME
OCCUPATION
CONDITIONAL
USE PERMIT
OR LICENSE:

A permit approved by the planning commission. The license or permit shall be issued by the city recorder upon application and payment of the fee set by the city council.

(Replace 3-1-4 with the following . . .)

3-1-4: HOME OCCUPATION LICENSES

A. Permitted Uses Requiring a Conditional Use Permit and License

1. Home occupations which have an external impact greater than the impact of a normal residential use are required to obtain a CUP and (if granted) a city business license. Impacts to the neighborhood will be evaluated in the following areas:

a. Employees: One or more who do not reside in the home

~~b. Customers: More than ^{SIX (6)} three (3) per day~~

~~c. Accessory building~~

~~d. Traffic: (number of customer vehicles, deliveries, parking)~~

~~e. Hours of operation:~~

~~f. Air pollution:~~ *Offensive odor*

~~g. Visual: Outside storage or display of product, machinery, equipment, signs~~

~~h. Noise: None after 10 pm or before 7am. (During the day level?)~~ *Excessive daytime noise*

i. Additional license: Required licensing by another entity

j. Complaints: Neighbors or others being impacted in these or other unforeseen ways

k. Safety: Any use dealing with explosive, hazardous or toxic materials

2. Conditional Use Permits are reviewed by and must be approved by the Planning Commission. Applicants must adhere to the Conditional Use Permit procedure.

per day
more than six (6) ~~per day~~ ^{rather} customers and two (2) deliveries per day

3-1-9 F.

and

B. No License Required

1. When operated only occasionally and by an individual under 18 years old. (What if an adult operates only occasionally and falls under the impact list?)
2. If the off-site impact is less than the normal impact of the home.

C. Occupations not permitted, see 10-12-1:A

3-1-5: FEE FOR LICENSE; EXEMPTION

- A. Fee Schedule: There shall be a business license fee schedule in such amounts as established by resolution of the city council. The license shall be effective for the calendar year in which it is issued.
- B. Renewal; Penalty: Renewals are due prior to January 1. If renewal applications are not received in the city office on or before this date, a penalty in such amount as established by the city council will be assessed.
- C. Exemption: No license fee shall be imposed on any person engaged in business for solely religious, charitable, or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the state. (Ord. 04-06-09, 6-8-2004)

3-1-6: INSPECTIONS

- A. New Businesses: Prior to the issuance of a license to engage in a new business not heretofore licensed, the applicant shall permit inspections to be made of the prospective place of business if requested by the city or other governmental agency to ensure compliance with building, fire and health codes. No license shall be granted without the approval of all such required inspections.
- B. Existing Business Violations: Existing places of business licensed within the city may be inspected periodically by the city for compliance with building, fire and health codes. Written notice shall be given by an authorized representative of the city to a licensee upon the finding of any code infractions, which notice shall provide for a reasonable period, not to exceed sixty (60) days, in which to correct such infractions, the failure of which shall result in revocation of the license. (Ord. 04-06-09, 6-8-2004)

(Delete previous sections 3-1-7, 8 and 9. Rename 3-1-10, 11, 12 and 13 as shown below.)

3-1-7: ADVERTISING

All advertising signs shall conform to the regulations of the city zoning ordinance¹. (Ord. 04-06-09, 6-8-2004)

3-1-8: REVOCATION OR DENIAL OF LICENSE

Any license issued pursuant to the provisions of this chapter or any ordinance of this city may be revoked and any application denied by the city council because of:

- A. The failure of the licensee or applicant to comply with the conditions and requirements of the chapter or any ordinance of the city.
- B. Unlawful activities conducted or permitted on the premises where the business is conducted. (Ord. 04-06-09, 6-8-2004)

3-1-9: VIOLATIONS; COMPLAINT

The city may request the city attorney file a complaint with the county sheriff's office against any person violating any of the provisions of this chapter. (Ord. 04-06-09, 6-8-2004)

3-1-10: PENALTY

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day such violation exists shall be considered a separate offense. (Ord. 04-06-09, 6-8-2004)
