

River Heights City

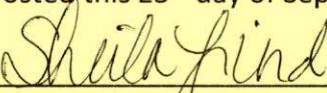
PLANNING COMMISSION AGENDA

Tuesday, September 28, 2021

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:30 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:30 p.m. Adoption of Previous Minutes and Agenda
- 6:35 p.m. Public Hearing to Consider a Conditional Use Permit Application from Landon Meacham to Have an Auto Repair Shop at 708 E 600 S
- 7:00 p.m. Public Comment on Land Use
- 7:15 p.m. Adjourn

Posted this 23rd day of September 2021



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/89039950011>
Dial: 1 669 900 6833, Meeting ID: 890 3995 0011

Attachments for this meeting and previous meeting minutes can be found on the State's Public Notice Website (pmn.utah.gov)

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 28, 2021

Present: Commission members: Levi Roberts, Chairman
Noel Cooley
Heather Lehnig
Lance Pitcher
Cindy Schaub

Recorder Sheila Lind
Tech Staff Councilmember Chris Milbank

Excused Councilmember Blake Wright

Others Present: Ryan and Mary Seager, Landon Meacham,
Councilmembers Sharlie Gallup and Nancy Huntly

Motions Made During the Meeting

Motion #1

Commissioner Lehnig moved to “approve the minutes of the September 14, 2021, Commission Meeting with corrections, as well as the evenings agenda.” Commissioner Schaub seconded the motion, which carried with Cooley, Lehnig, Pitcher, Roberts, and Schaub in favor. No one opposed.

Motion #2

Commissioner Cooley moved to “accept the Conditional Use Permit Application of Landon Meacham at 708 E 500 S, with the following conditions: 1) Permittee shall follow Bill Carson’s conditions on his permit dated March 15, 2005, 2) Only two vehicles for repair on the property at a time, 3) No visual or audible impact will be made on the neighborhood, and 4) When using noisy machinery doors will be shut.” Commissioner Schaub seconded the motion which carried with Cooley, Lehnig, Pitcher and Schaub in favor. Roberts opposed.

Proceedings of the Meeting

The River Heights City Planning Commission met at 6:30 p.m. in the Ervin R. Crosbie Council Chambers on September 28, 2021.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the September 14, 2021, Planning Commission Meeting were reviewed with a couple minor changes.

45 Commissioner Lehnig moved to “approve the minutes of the September 14, 2021,
46 Commission Meeting with corrections, as well as the evenings agenda.” Commissioner Schaub
47 seconded the motion, which carried with Cooley, Lehnig, Pitcher, Roberts, and Schaub in favor. No
48 one opposed.

49 Public Hearing to Consider a Conditional Use Permit Application from Landon Meacham to
50 Have an Auto Repair Shop at 708 E 600 S: Mr. Meacham explained that he will be working on his own
51 cars which he buys from auction. Once he fixes them, he will sell them, but not from the River
52 Heights location. There won’t be any customers at his business sight.

53 Commissioner Roberts opened the public hearing. There were no comments.

54 Councilmember Cooley asked which of Bill Carson’s bays is he plans to rent. Mr. Meacham
55 said he will be working from the back, out of view from 600 South. He guesses he’ll work on 2-3 cars
56 per week.

57 Commissioner Roberts felt the request was odd because car repair doesn’t fit in the city’s land
58 use ordinance. He wasn’t sure how to justify the allowance of it from a legal standpoint. He didn’t
59 believe they could allow a use at this location, which they wouldn’t allow on any other lot in the city.

60 Commissioner Schaub pointed out that this same use had been going on since 2005, by
61 others, with permission of Conditional Use Permits. She asked Recorder Lind if there had been
62 complaints about the previous businesses. Ms. Lind said she had not heard of any.

63 Commissioner Roberts wasn’t sure why it was ever approved in the first place because car
64 repair isn’t listed as a possible conditional use. Commissioner Schaub reminded that Tony Johnson
65 received a Conditional Use Permit (CUP) for a beauty shop and storage area on his property. Mr.
66 Roberts reminded they allowed an overlay zone on this property.

67 Commissioner Pitcher read from Bill Carson’s 2005 CUP, which allowed him to have up to four
68 businesses in his storage bays. Commissioner Roberts understood that but pointed out that “car
69 repair” is not listed as an allowed use in the city’s code. Commissioner Schaub thought that because
70 the use had been going on it was now grandfathered in. Mr. Roberts said the definition of
71 “grandfathered” isn’t allowing something illegal since it was done before. He didn’t know how the
72 Commission could approve the request unless the code was amended to include the requested use,
73 or the property was rezoned. He suggested if the city’s attorney agreed with granting the request, he
74 would feel better about giving his approval.

75 Discussion was held on the home occupation title of the code. Commissioner Cooley pointed
76 to 3-1-4:A.1.j., which allows a person who doesn’t live at the sight, to have a business through a CUP.
77 He felt because of this, they could permit it. He would rather see them go this route than to zone the
78 Bill Carson property as commercial. They all agreed the code should include some clarification. Mr.
79 Cooley suggested they could explain the problem to the council and ask if they want to create some
80 type of limited commercial zone.

81 Discussion was held on whether the request could be considered a home occupation because
82 the applicant didn’t reside at the property.

83 Commissioner Schaub remembered they didn’t want to list every single use because there are
84 so many and they could miss some, however, they didn’t want to allow a business that would have a
85 negative impact on the neighborhood.

86 Commissioner Cooley felt they were obligated at this point to allow Mr. Meacham the same
87 as the city had allowed before. He agreed the code needed to be amended.

89 Commissioner Cooley moved to “accept the Conditional Use Permit Application of Landon
90 Meacham at 708 E 500 S, with the following conditions: 1) Permittee shall follow Bill Carson’s
91 conditions on his permit dated March 15, 2005, 2) Only two vehicles for repair on the property at a
92 time, 3) No visual or audible impact will be made on the neighborhood, and 4) When using noisy
93 machinery doors will be shut.” Commissioner Schaub seconded the motion which carried with
94 Cooley, Lehnig, Pitcher and Schaub in favor. Roberts opposed.

95 Mr. Meachan asked for permission to have a truck and trailer parked outside the bay, which
96 wouldn’t be visible from the street. He was told this would be okay, but the trailer could not have a
97 car on it.

98 Commissioner Cooley would like the question of the car repair use to be brought to the city
99 attorney and Councilmember Wright. Should the city modify their commercial zone, to apply to the
100 Bill Carson property? All agreed the question should be addressed.

101 Public Comment on Land Use: Mary Seager was concerned about restricting the removal of
102 mature trees on the river (recently included in the general plan draft). On the Demars property, they
103 have sometimes had trees fall or are about to fall. Who would be liable if they weren’t allowed to
104 remove them prior to falling?

105 Commissioner Cooley explained his recommendation for the sewer section of the general
106 plan. Commissioner Roberts held off on further comments since the general plan was not on the
107 agenda. They hope to have the city engineer’s comments before the next meeting. Mr. Roberts
108 suggested holding another public hearing before passing it to the City Council. Recorder Lind will
109 check with the engineer to see if his comments would be ready before the next meeting. If so, she
110 will advertise for a public hearing.

111 The meeting adjourned at 7:25 p.m.

112
113
114 _____
Sheila Lind, Recorder

115 _____
116 Levi Roberts, Commission Chair

River Heights City Conditional Use Application

For office use	
Date Received:	<u>9/14/21</u>
Hearing Date:	<u>9/28/21</u>
Amount Paid:	<u>\$100.00 - VISA</u>
Approved _____	Denied _____

APPLICANT

Name: Landon Meacham
Mailing Address: _____
Phone: _____ email: _____
Please check one of the following: owner buyer renter agent other

PROJECT INFORMATION

Name: LS Auto Sales
Address/Location: 709 E 600 S River Heights
Property Tax ID: 02-029-0025 Existing Zone: residential
What is the current use of the property? RENTAL WORKING ON SELF OWNED CARS
How many employees will be working at this location including applicant, immediate family, and non-family members? 1
How many vehicles will be coming and going daily, weekly, or monthly? 5 a week
I agree to abide by the River Heights City Parking Ordinance (10-14). Initial yes
I agree to abide by the River Heights City Sign Ordinance (10-16). Initial yes
Description of Request: Im applying for a business license at this location to have my shop to fix cars that I buy from Auction or KSL. The cars will be whole sold to other dealers or ran back ~~to~~ to the Auction.

SUBMITTAL REQUIREMENTS

- Completed and signed application form
- \$100 application fee
- 8 1/2 x 11 copy of plans
- Provide a Fire Protection evaluation from the fire department.