

River Heights City

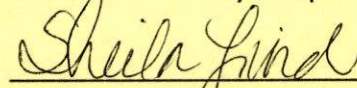
River Heights City PLANNING COMMISSION AGENDA

Tuesday, April 12, 2022

Notice is hereby given that the River Heights Planning Commission will hold its regular meeting beginning at **6:00 p.m.**, anchored from the River Heights City Office Building at 520 S 500 E. Attendance can be in person or through Zoom.

- 6:00 p.m. Site Visit to 400 South 300 East
- 6:30 p.m. Pledge of Allegiance
- 6:35 p.m. Adoption of Previous Minutes and Agenda
- 6:40 p.m. Public Comment on Land Use
- 6:50 p.m. Review Site Analysis of Jabba, LLC, Riverdale PUD Application
- 7:45 p.m. Review List of Suggested Code Changes
- 8:00 p.m. Adjourn

Posted this 8th day of April 2022



Sheila Lind, Recorder

To join the Zoom meeting:

<https://us02web.zoom.us/j/84516228117?pwd=N1VQZ1ZHZkRFVXZhcDBsd3J1dVkyZz09>

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 April 12, 2022

Present: Commission members: Noel Cooley, Chairman
Heather Lehnig
Lance Pitcher
Cindy Schaub, electronic
Troy Wakefield

Councilmember Blake Wright
Recorder Sheila Lind
Tech Staff Mayor Jason Thompson

Others Present: Andy Bentley, Engineer Craig Rasmussen, Nic Porter, Bob Ellis, Cindy Johnson, Diane Poulsen, Councilmember Janet Mathews

Electronically Present Howard Demars

Motions Made During the Meeting

Motion #1

Commissioner Wakefield moved to “approve the minutes of the March 22, 2022, Commission Meeting and the evening’s agenda.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one 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 April 12, 2022.

Site Visit to 400 South 300 East: Due to weather, the site visit was postponed.

Pledge of Allegiance

Adoption of Prior Minutes and Agenda: Minutes for the March 22, 2022, Planning Commission Meeting were reviewed.

Commissioner Wakefield moved to “approve the minutes of the March 22, 2022, Commission Meeting and the evening’s agenda.” Commissioner Lehnig seconded the motion, which carried with Cooley, Lehnig, Pitcher, Schaub, and Wakefield in favor. No one opposed.

Public Comment on Land Use: There was none.

Review Site Analysis of Jabba, LLC, Riverdale PUD Application: Andy Bentley said he sent an email with attachments 20 minutes ago answering the questions Commissioner Cooley sent him last

45 week. He included an Alta Survey from September 2021 and Site Assessment of the property, done in
46 January 2021.

47 Commissioner Cooley said the items need to be addressed on a map so the Commission could
48 visualize it with Mr. Bentley's concept.

49 Commissioner Schaub pointed out Mr. Bentley's subdivision application didn't have a
50 signature of the property owners and wondered if this would make it invalid. Mr. Bentley explained
51 he must have sent the wrong one and would forward the correct one with the owner's signature.

52 Commissioner Cooley continued, after reviewing the ordinance, he decided they would treat
53 tonight's meeting as an extension of the pre-application discussion. The Commission needed a site
54 analysis map so they have a written and recorded statement of what is located in the area. Mr.
55 Bentley said there is no irrigation and he had it surveyed.

56 Engineer Rasmussen clarified the purpose of the analysis process, which is extremely
57 important with a PUD. Part of what the city evaluates is the impact of the proposed project to the
58 site. He discussed several of the items listed as needing clarified. He wanted to see where the
59 riverbank was located on the sketch plan rather than a County GIS database map, which is far from an
60 Alta Survey. He needed more information on the water table in case there were wetlands to be
61 aware of. The existing trees need to be shown since the city wants those along the riverbank to be
62 preserved. The slope of the property and if sewer will gravity flow is important to know and discuss.
63 Access to the site is another item that needs to be addressed. There are many trees on Riverdale
64 Avenue that should be shown in the right of way. The impact of the trees when the road is
65 developed needs to be evaluated. They need to be shown and delineated on a site analysis map. The
66 road is substandard for this size of development and needs to be identified on a site analysis map.
67 Consideration needs to be given to the impact this development will have on the neighborhood. He
68 agreed with Commission Cooley that these items are substantially applicable on the site analysis map.
69 All of it needs be to identified so the Commission can weigh in on how things are being protected and
70 preserved or if they are not really importance to the overall development.

71 Commissioner Cooley said they don't have an issue with what Mr. Bentley is trying to do but
72 they need to have a good look at the impacts by having the site analysis map completed before they
73 have further discussion. After it has been submitted, they will schedule another site visit and discuss
74 their vision on the property. He asked for comments from the commissioners. Each one agreed with
75 Mr. Cooley.

76 Commissioner Schaub asked for Mr. Bentley's ideas on the items discussed by Engineer
77 Rasmussen. Mr. Bentley answered there is no irrigation, per the Alta survey. Regarding trees, he
78 plans to not disturb anything that he doesn't have to. He said the trees on 400 East will depend on
79 what the city is going to require since that has nothing to do with him. If it were up to him, the trees
80 would all stay. Ms. Schaub said she can't wrap her mind around how access would be improved at
81 400 East. Mr. Bentley said once the city decides on the size of right of way, he will start on the
82 engineering.

83 --- Commissioner Lehnig read from 11-6-3, Streets and Street Improvements regarding minor
84 roads at 50'. It mentioned sidewalks, curb, and gutters on both sides. Mr. Bentley didn't feel there
85 was enough space for sidewalk on both sides. If it means removing trees, he felt they should have
86 sidewalk only on one side or take more property from property owners' front yards. Commissioner
87 Cooley said these decisions can be made at the time of sketch plans.

89 Commissioner Cooley said there will need to be access to this development from 400 East or
90 100 East. It's up to Mr. Bentley to improve one of these. He pointed out the city's design standards
91 will need to be considered.

92 Engineer Rasmussen said the city has latitude on sidewalks. But there are some things
93 developers need to understand. At this point, the developer is trying to determine how much he can
94 get out of the project and how much money will he need to put into it. Part of what he needs to
95 make this decision is to know what the city will require for road improvements. He said improved
96 access to the development is required. They can discuss what they want regarding sidewalk, which
97 will ultimately be a Council decision. Currently there is not a 50' right of way along Riverdale Avenue.
98 It was his feeling that the Council would not choose to go through an eminent domain process. Not
99 having a 50' right of way is a significant factor that needs to be shown on the site analysis map. He
100 guessed the Alta Survey may address this, but he has not seen the one sent by Mr. Bentley. These
101 things need to be addressed at this stage, so the developer knows if he needs to buy property or try
102 to convince the Council to do eminent domain, which is a long-drawn-out process. The intersection
103 at 400 East is a substantial issue but is workable. The proposed development will at least triple the
104 number of units in the Riverdale area. These improvements need to be born fully by the developer.
105 He suggested the Commission discuss this and give the developer some direction.

106 Commissioner Cooley noted that along with access, other major questions that need to be
107 figured out were, an upgrade and extension to the water line, and if sewer can be provided. The
108 Commission will expect to see how these items would be accomplished.

109 Commissioner Schaub asked if the City's well would be a problem when it came to road
110 development. Commissioner Cooley said it will need to be considered.

111 Engineer Rasmussen addressed the trees by the river. The preliminary proposed layout of the
112 lots doesn't protect the trees. Future lot owners could do whatever they want with the trees. He
113 proposed the Commission address preservation of these trees. The development concept needs to
114 address the river corridor. Commissioner Cooley wanted to see all the development's open space be
115 along the river and noted the General Plan shows this area as a park and encouraged Mr. Bentley to
116 consider this with his design. Mr. Bentley answered that unfortunately this would not be possible
117 due to the additional costs of the project.

118 Mr. Bentley asked what the setback was from the river. He was answered that no structure
119 can be within 50'. Commissioner Cooley said they would like to see this shown on the site analysis
120 map.

121 Commissioner Schaub noted that the last plan they saw showed the northwest lot as open
122 space and Mr. Bentley had said it was due to the flood plain. Now the latest plan shows this lot as
123 buildable. Mr. Bentley explained that a structure will be able to fit without being in the flood zone,
124 even though the property may partially be in it.

125 Engineer Rasmussen explained that the right of way can't be counted as a setback for the lots.
126 He and Mr. Bentley had further discussion. Mr. Bentley pointed out they show 50' from the bank to
127 the rear of the lots. They moved the open space from the northwest lot to the large open space. He
128 plans to get a variance for the northwest lot.

129 Commissioner Cooley supported no access onto 500 South and asked Mr. Bentley how he
130 would do this. Mr. Bentley said the fire chief suggested a chain across the opening for emergency
131 access only. Mr. Bentley also noted that if the sewer goes to 100 East, they will need to use the 500
132 South right of way. Commissioner Cooley clarified the road as public, not owned by the city. Mr.

132 Bentley said that it won't be a problem to use the road for utilities. Engineer Rasmussen said this
133 wasn't true and said it needed to be checked into. He understood that roads that become public due
134 to public use for a certain length of time does not give anyone the right to widen the street. It is
135 acceptable to use the road as it has historically been used. The south side of the road has been
136 dedicated as a public road next to the Falls. If the road has been dedicated, then it needs to be
137 verified and confirmed. Commissioner Cooley said Mr. Bentley will need to resolve this.

138 Mr. Bentley asked if he would need to wait until the next meeting once he gets the requested
139 information. Commissioner Cooley said he would be out of town for the next meeting, but he would
140 be available the first meeting in May. Mr. Bentley said he could have the site analysis turned in
141 tomorrow since now he was aware what the city wanted.

142 Commissioner Cooley asked Mr. Bentley if he understood what was required of him. Mr.
143 Bentley said he understood and planned to have the information taken from the Alta Survey and
144 placed on his plat. Mr. Cooley said the City doesn't want to tell him how to plan the roads. Mr.
145 Bentley needs to tell the City his plans for access.

146 Mr. Bentley and Engineer Rasmussen discussed the right of way. Mr. Bentley will present a
147 plan and keep within the existing right of way. Engineer Rasmussen pointed out that a section of 500
148 South is shown with no ownership on the County GIS map. It would be up to surveyors and attorneys
149 on how to handle this. There is a lot of research that needs to be done. The County Recorder's Office
150 would be a good place to check. It's sure there is not a 50' foot right of way. Riverdale Avenue is also
151 not 50'.

152 Commissioner Schaub asked Mr. Bentley if he was given a preliminary title report from the
153 prior purchaser. This would show any recorded easements, dedications, reservations, etc. Mr.
154 Bentley said it didn't state anything about 500 South. He will look at the title report again to see if
155 there is anything that would help him. He agreed this property was unique compared with other
156 developments he has done.

157 The first meeting in May they will discuss this again. Commissioner Cooley asked Mr. Bentley
158 to have his revised site plan turned in one week or ten days prior to the meeting so the Commission
159 would have time to review it. Mr. Bentley thought it would be turned in within the current week.
160 Engineer Rasmussen suggested an environmental analysis to go with the site plan.

161 Discussion was held on the differences between the Alta Survey and the County's GIS.
162 Commissioner Schaub said the County's is approximate. An Alta Survey requires a surveyor to
163 actually survey the property and reference filed documents, which would be more accurate than the
164 County.

165 Review List of Suggested Code Changes: Commissioner Cooley led a discussion on the
166 suggested changes. The Commission agreed the list of changes could be presented at a public
167 hearing.

168 Commissioner Cooley brought up Valerie Merrell's question about revisiting the fence code, in
169 a way that would allow her to install a fence around her yard in a manner that works for them. Mr.
170 Cooley reminded of the Commission's extensive review of the fence code. They sent to the Council, a
171 recommendation for a 13' setback on a street. The council minutes reflect that after a long
172 discussion, they changed the setback to 14.5'. He asked the Commission how they felt about
173 revisiting the fence code. He also noted that the Merrell's have the option of applying for a variance.
174 The Commissioners agreed they worked very long and diligently on the fence code and didn't want to
175 delve into it again. Commissioner Pitcher said there will always be someone who wants a change to

177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195

fit their needs and suggested they just stick to the ordinance. Mr. Cooley will relay the message to Ms. Merrell.

Commissioner Cooley informed that Nic Porter is a developer interested in the Ellis property in the Riverdale Area. He informed that Mr. Porter has met with himself and others from the City to discuss his idea for the property. He may be at the next meeting to share his vision with the Commission.

Commissioner Cooley asked Commissioner Schaub how the tree ordinance revisions were coming along. She said she had been working on it and was finding differences in the code. She will send her findings to Mr. Cooley. It will be ready to discuss at the next meeting.

Councilmember Wright had plans to look at the state code changes to the boundary adjustment process, which will affect the city's code. He will bring up his suggestions on it later. He said the state legislature is forcing cities to allow accessory dwelling units, which isn't allowed in the River Heights Code. Commissioner Cooley asked the commissioners to investigate this and let him know when they have something to submit.

The meeting adjourned at 7:35 p.m.

Sheila Lind, Recorder

Noel Cooley, Commission Chair

Parcel and Zoning Viewer

clear wk



400 S 400 E, Logan, UT, 8 X

Show search results for 400 S ...





Sheila Lind <office@riverheights.org>

Demars property development plan

1 message

HOWARD DEMARS <howarddemars@comcast.net>

Mon, Apr 11, 2022 at 10:18 PM

To: "nhcooley@comcast.net" <nhcooley@comcast.net>, "heather.lehnig@gmail.com" <heather.lehnig@gmail.com>, "lancepitcher@comcast.net" <lancepitcher@comcast.net>, "cindy_schaub@hotmail.com" <cindy_schaub@hotmail.com>, "loganutahrealestate@gmail.com" <loganutahrealestate@gmail.com>

Cc: "jasonthompson@riverheights.org" <jasonthompson@riverheights.org>, "blakewright@riverheights.org" <blakewright@riverheights.org>, "chrismilbank@riverheights.org" <chrismilbank@riverheights.org>, "janetmathews@riverheights.org" <janetmathews@riverheights.org>, "sharliegallup@riverheights.org" <sharliegallup@riverheights.org>, "tysonglover@riverheights.org" <tysonglover@riverheights.org>, "office@riverheights.org" <office@riverheights.org>

Dear Commissioners,

At the March 8 meeting of the planning and zoning commission, you discussed requiring our developer, Andrew Bentley, to widen and pave the old dirt road that borders the Demars property on the east and south. I strongly object to this requirement for several reasons.

Widening and paving the road would be a major expense. The developer will only proceed with his development plan if it is profitable for him, and any extra and unforeseen expense will be passed on to the Demars family, in the same way that an increased tax on businesses is ultimately paid for by consumers.

It is extremely unfair to expect the Demars family, alone, to pay for an infrastructure improvement that would be of general benefit to everyone that lives in the Riverdale neighborhood. That sounds like a project that River Heights City should be willing to take on for the benefit of its citizens. After all, River Heights has been benefitting from the property taxes of Riverdale landowners for the past half century. It's time we got something in return.

It is clear from looking at Mr. Bentley's plan that residents of his proposed PUD would naturally exit the neighborhood by using the roads he would build within the PUD, and then taking E Riverdale Ave to 400 East. They would be going out of their way if they looped around on the existing road that borders the Demars land on the south and east. It is clear that improvement of the existing dirt road would not benefit or add value to the proposed PUD in any significant way.

It isn't right to force us to spend a lot of money on a project that would be of essentially no value to us.

Respectfully,

Howard G. Demars