

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
January 23, 2024

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Gunn called the Planning Commission Meeting to order at 6:06 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Vice-Chairman Dave Richards
Commissioner Phil Jordan
Commissioner Josh Knight
Commissioner Sid Ostergaard
Commissioner Darek Slagowski
Commissioner Robert Wilson

Planning Commission Absent:

N/A

Staff Present:

Planning Director Tony Kohler
Planning Office Admin Meshelle Kijanen

Staff Participating Remotely:

Aubrey Larsen (Landmark Design Inc.)

Also Present:

Brad Hiatt, Brian Watson, Matt Watson,
Tori Broughton, M Crosby, Ken Crosby,
Mike Lynch, Scott Jafta

Also Attending Remotely:

Aaron Gabrieison, Jaron Nicholls

III. Pledge of Allegiance: By Invitation

Commissioner Josh Knight led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought: By Invitation

Commissioner Dave Richards offered a prayer.

V. Recuse for Conflict of Interest

Commissioner Phil Jordan will recuse himself from the Jordanelle Ridge Fitzgerald Preliminary Subdivision Action Item.

2. Consent Agenda:

Motion: Commissioner Jordan moved to approve the item on the Consent Agenda. Commissioner Knight made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Jordan, Commissioner Wilson. Voting No: None. The Motion Passed 6-0.

- I. 01.09.2024 Planning Commission Minutes for Approval

3. Action Items:

- I. Public Hearing for Update to Permitted Uses in the Business and Manufacturing Park (BMP) Zone

Planner Tony Kohler presented this item, and gave a background on the zone and situated the Planning Commission to its location. He stated the business and manufacturing zone had morphed as time had gone on, mostly due to the Recreation Center. He noted the allowance of services at the Recreation Center had been the largest change in the zone. Planner Kohler explained the City Council had recently reviewed this item and had requested for a public hearing be held in order to elicit feedback that the Planning Commission could use to make their recommendation. Planner Kohler explained the changes to the zone and listed the types of businesses which were proposed to be permitted. He specifically highlighted that pet services would be allowed with the changes, although noted pet boarding would be considered a conditional use. Planner Kohler explained the Planning Commission could choose to either make a decision that evening, or they could opt to table it if they got conflicting feedback from the public.

Planning Office Admin Meshelle Kijanen read the rules for public comments.

Chairman Dennis Gunn opened the floor for public comments.

Brad Hiatt stated that he and his father owned a building within the zone and reported that he had no problem with any of the uses, although he thought their approach was odd. He thought they should figure out a better option for zoning, and advocated that they just change the zone entirely. He pointed out Heber City did not do much manufacturing, and thought it would be better to change the zone to commercial or residential commercial. Mr. Hiatt discussed how he had been approached with requests from businesses to use his building for commercial purposes.

Commissioner Josh Knight asked about what businesses had reached out and Mr. Hiatt listed that he had been contacted by a business that did small bus repair, one that did sewing and tailoring, and one that did gunsmithing. Mr. Hiatt said there were many options for businesses. Commissioner Knight said he wanted to get a sense of what kinds of businesses were attracted to the area. Chairman Gunn thanked Mr. Hiatt pointed this out and said they needed to know what the needs for the area were so that they knew what kinds of businesses they should include with the changes. Mr. Hiatt said they needed affordable housing in that area as well.

Mr. Hiatt said there were likely many more businesses that would likely work in the area without infringing on the rules of the zone, and reiterated that they should just rezone the area instead of coming up with a list of exceptions. He thought it should be a C-3 zone, and said they could still include some of the stipulations that they had listed for the current zone. Planner Kohler reported that the City Council had recognized that the needs of the zone had changed significantly since the 1970s when it had been created, and said that the Council did want this area to act as an incubator for small businesses.

Planner Kohler added that residential areas surrounded the zone, which was why the Council also wanted this zone to have services as well that those residents could utilize. Mr. Hiatt pointed out that the Recreation Center was a huge service for those residents. Commissioner Knight recalled they had previously debated a welding shop and had determined at the time that the fumes would need to be kept inside so as to not bother the neighbors.

Planner Kohler said if they wanted to rezone entirely, that was not a decision they could make that evening since it was a larger process and they would have to consider that more carefully. Mr. Hiatt reiterated that Heber City had not been a manufacturing center for several decades and thought a rezone would be appropriate. He thought they could have a commercial zone, with a stipulation that any manufacturing be indoors, referencing Commissioner Knight's comment about the fumes from welding. Mr. Hiatt added that a commercial zone would bring in more sales tax as well.

Chairman Gunn thanked Mr. Hiatt for his perspective.

Aaron Gabrielson commented online. He stated his company owned about a third of the zone. He thought gunsmithing or making car parts were already included with the current zoning and he could not think of a business which would not be allowed with the current proposal. He said he was unsure if he wanted to see this area become a standard commercial zone since he wanted to keep it more upscale. He said he was happy with the proposed changes.

Commissioner Gunn closed the floor for public comments.

Commissioner Phil Jordan referenced a section which said the zone was intended to be a companion area to the surrounding neighborhood and offer services for them. He then commented on Planner Kohler's previous statement about the zone being an incubator of small businesses, and opined that the emphasis on small business was a contradiction to the idea of a residential companion area. Planner Kohler explained that when the zone had been established the Council had wanted it to help small manufacturing businesses develop. Planner Kohler discussed the history of some of the businesses in the area and said there was only a limited amount of manufacturing in the area. Planner Kohler added this had been the edge of town in the 1970s, which was why it had been designated for manufacturing at the time. Planner Kohler commented that many things had changed since the zone had been established and recalled that retail had not been allowed until the mid 2000s. Planner Kohler noted there had been a lot of interest in using the area for health stores, dieticians, sports, and other health related storefronts. However, Planner Kohler there was still some small manufacturing as well.

Commissioner Robert Wilson summarized this was akin to a hybrid commercial zone

and Planner Kohler agreed. Commissioner Wilson noted the request from Mr. Gabrielson that the area remained more “curated” and not open the door to any kind of commercial. Commissioner Wilson said there would be a cap on the size of what commercial they wanted in the area, and added that everything should be done indoors. Planner Kohler said it seemed the zone was morphing into primarily services and light manufacturing.

Mr. Gabrielson explained there were several businesses in the zone already that were not allowed with the current zoning and said there were some other businesses that his company wanted to put in the area. He explained their main request was to expand the list of permitted businesses, although they wanted to keep the zone the same and not revamp the whole area. He did not think that any of the light manufacturing in the area was contrary to the intention of the zone, although he agreed with the previous comments that manufacturing should be indoors. He clarified that he wanted to see the proposed changes pass, and then later they could consider an entire rezone.

Commissioner Dave Richards said they wanted to maintain the value of the properties there and said he had not even considered a zone change. He said they just wanted to expand what would be allowed in the area and thought they were appropriate. He thought there could just be some conditional uses rather than changing the entire zone. He recalled it had once been an industrial area. Planner Kohler agreed that he had not been thinking about changing the zone either but thought it was an intriguing idea.

Planner Kohler said he personally was in favor of many incremental changes rather than one big one. Planner Kohler thought they should make this change now, and then reevaluate in five or ten years and see what the needs of the zone were at that point.

Commissioner Richards asked if there was anything on the list that did not make sense or was left out and Planner Kohler brought up tattoo and pawn shops and opined they be taken off the permitted use list. Planner Kohler discussed how pawn shops were becoming increasingly less common, although when they did pop up there were occasionally unsavory things that went on, and he said the Council did not want to see predatory businesses taking advantage of people. Commissioner Richards noted they were on the conditional use list so that they would be able to evaluate the proposals on a case by case basis.

Commissioner Knight agreed that an entire zone overhaul was not the best idea for the moment, although asked how they could phrase a recommendation to the Council that would keep things more open and allow for different types of businesses to submit proposals to the Council. Planner Kohler replied they could recommend that applications be submitted on a case by case basis, so that the Council and Planning Commission would be able to see what kind of businesses were interested in the area.

Planner Kohler also commented on their need for affordable housing and thought the idea of housing in the zone was interesting as well. Chairman Gunn asked if live/work housing was allowed in the area and Planner Kohler said it was not, but thought that

would actually work well there. Planner Kohler said there were some artists in the area who might like the idea of living upstairs and working downstairs. There was further conversation about the concept of live/work spaces, and some discussion that they would need to manage expectations if they wanted to do that since it was still an industrial area.

Motion: Commissioner Richards moved to recommend approval to the permitted uses in the Business and Manufacturing Park (BMP) Zone, and included that the Council should consider a zone change in the future if the needs of the area continued to change.

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Jordan, Commissioner Wilson. **Voting No:** None. The Motion Passed 6-0.

II. Request for Preliminary Subdivision approval for Jordanelle Ridge Village 2 - Fitzgerald (Planner Larsen/Engineer Mumford)

Commissioner Jordan recused himself.

Planner Aubrey Larson gave some project details and indicated the subdivision included 52 single family lots and 303 townhomes in the Mountain Community zone. She reported preliminary plans had been presented to DRM and which time the staff had made recommendations. She said at that time the applicant had reported that there was no open space required by the MDA. Planner Larson said that the applicant had since provided an updated trail plan, as requested by staff. Planner Larson reported that staff recommended approval as long as the plan was consistent with the Zoning Code, the General Plan, and approved MDA, and all requirements of the City Engineer, Code, and Planning Commission were met.

Planner Larson shared the site plan and overall grading and drainage plan. She indicated the affordable housing units that would be available as well as the updated trail plan.

City Engineer Bart Mumford reported Engineering had been working with the applicant since the DRM, and thought they met the requirements for preliminary approval.

Brian Watson of Jordanelle Ridge, the applicant, thanked them for letting them go through several rounds of review and said he was happy to answer any questions.

Commissioner Richards thought the engineering list was reasonable and Mr. Watson agreed. Commissioner Richards commented on the grading plan and Mr. Watson noted it would be a challenge, but it was actually the flattest spot on the entire project and expressed he was looking forward to it.

Commissioner Richards clarified they would look at elevation in the final approval, and Planner Kohler interjected that Council and staff would actually look at elevation for preliminary approval. Planner Kohler also noted staff would also look at affordable

housing requirements for preliminary approval, and discussed the checklist for architectural standards.

Planner Kohler pointed out that the development agreement indicated for a certain amount of acreage of open space be dedicated to the City for a park, and another portion of acreage be set aside for the fire station. Mr. Watson reported he had spoken with the Fire Chief earlier, in which they had discussed that the fire station would likely not be ready for construction for at least the next five or six years. Mr. Watson thought the City could use that space as part of their park for the next five or six years, as long as they did not construct any permanent buildings in the space where the station would ultimately be placed.

Scott Jaffa elaborated on the park and said it was a low impact park. He said they wanted to honor the Fitzgeralds and their family for the ability to develop the park. He spoke about how they wanted to acknowledge the history of the park. He reiterated it would be low impact with low watering and natural grasses. Mr. Jaffa indicated where the parking lot would be and said the park would be open to anyone.

Mr. Watson said he was good with the requirements of the engineering report.

Commissioner Richards asked about the MDA and Planner Kohler explained this was under the umbrella of the Sorenson MDA, and was also subject to affordable housing standards. Planner Kohler added that the Council had requested for the park and fire station to be dedicated to the City and said the specific acreage was spelled out in the MDA.

Motion: Planning Commission Vice-Chair Richards moved to approve the preliminary subdivision approval for Jordanelle Ridge Village 2, with the changes and conditions as stated by staff. Commissioner Knight made the second.

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Wilson. **Voting**

No: None. The Motion Passed 5-0.

4. Work Meeting: N/A

5. Administrative Items:

Planner Kohler gave a short rundown of the Council retreat that had taken place over the weekend. He said there had been a presentation on the downtown area and downtown planning, and there had been discussion about parking. Planner Kohler made some comments about how he was still seeing a rising demand for business licenses in the downtown area. Planner Kohler also reported there had been some concerns raised about businesses moving out to the Heber urban boundary by the bypass, and he anticipated this item would eventually come before the Planning Commission. Planner Kohler announced he would email the Planning Commissioners with a list of priorities that the City Council had come up with at the retreat. Planner Kohler noted the Council had discovered during their retreat there would be

issues with angled parking on both sides of the street in the downtown area due to the need for access of public utility easements, so the current concept was to do angled parking on one side of the street and parallel parking on the other. The Commissioners discussed issues with parking. Planner Kohler said the cross sections of downtown would be on an upcoming agenda for the Commission, as well as consideration as to which roads should be collectors.

Planner Kohler then moved on to the previous Council meeting and expressed that he had reported all of the items that the Commissioner had requested be brought up to the Council at their meeting. He said that Robert Wilson had been appointed a full commissioner at the last meeting, and then the Council had debated some other names to fill the final slot for the Commission. He explained there was a candidate who the Council really liked, although they were related to a Council Member and so the Mayor had decided to table the item and give it further consideration. Planner Kohler summarized that they still needed to fill one more spot, as well as two alternate spots for the Commission.

Chairman Gun thanked Planner Kohler for the report.

6. Adjournment:

Motion: Commissioner Knight moved to Adjournment:. Commissioner Wilson made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Jordan, Commissioner Wilson. **Voting No:** None. The Motion Passed 6-0.

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant