

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
March 12, 2024**

Minutes Approved 04.09.2024

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Gunn called the Planning Commission Meeting to order at 6:07 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Commissioner Phil Jordan
Commissioner Josh Knight
Commissioner Tori Broughton
Commissioner Robert Wilson
Commissioner Greg Royall
Commissioner Jami Hewlett-Smtih

Planning Commission Absent:

Vice-Chairman Dave Richards
Commissioner Darek Slagowski

Staff Present:

Planning Manager Jamie Baron
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
Network Administrator Anthon Beales

Staff Participating Remotely:

N/A

Also Present:

Dave Johnson, Aaron Johnson, Rod Riddle, Linda Middleton

Also Attending Remotely:

Dave Thacker

III. Pledge of Allegiance: By Invitation

Commissioner Phil Jordan led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought: By Invitation

Commissioner Robert Wilson gave a thought,.

V. Recuse for Conflict of Interest N/A

2. **Consent Agenda:**

I. Approval of Minutes for February 13, 2024

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

Discussion: N/A

Voting Yes: Chairman Gunn, Commissioners, Jordan, Knight, Wilson & Royal Voting No: none. The Motion Passed 6-0.

II. Requesting a Conditional Use for The Puppy Palace, located at 450 W 910 S, Suite 300 (Planner Roberts)

The Agenda Item was moved to an Action Item for more discussion per Commissioner Royall's request.

3. **Action Items:**

I. Requesting a Conditional Use for The Puppy Palace, located at 450 W 910 S, Suite 300 (Planner Roberts)

Planner Roberts gave an overview of the property and said the condition of the use being in the zone was that the kenneling was all kept indoors. He gave a short history of this item and explained pet services were a permitted use in the zone, and kennel services were conditional in the zone. He clarified that The Puppy Palace was within a building that housed other businesses.

Commissioner Jamie Hewlett-Smith asked where the play area was located, and Planner Baron explained that it was indoors as well. Planner Baron clarified the business already had grooming, so there were already dogs there throughout the day and the difference would be kenneling services would mean that dogs would be there overnight and on weekends in addition to the weekdays.

Commissioner Tori Broughton asked about pet waste. Chairman Gunn echoed her concerns and asked if Engineering had looked at this plan yet, to which Planner Baron replied those kinds of questions might be for Public Works. Planner Baron said they would have to take waste offsite to dispose of it since they could not flush it down the

drain. Planner Baron clarified that solid waste would be removed, although liquid waste and gray water could go down the drains. Chairman Gunn discussed how if organic loading went beyond a certain concentration, their billing increased, and Planner Baron said that was not something they needed to consider at this stage. Planner Baron added that Engineering had not looked at this plan since it did not require any new infrastructure to be built.

Commissioner Jordan summarized the main impact would be noise issues for the surrounding residences on nights and weekends. Chairman Gunn voiced his main concern was the waste water.

Commissioner Broughton also noted there should be limits as to how many animals could be on-site at any one time per the City Code. Chairman Gunn spoke about how they had recently re-done the Code, and were already creating stipulations and exclusions to the main rule. He pointed out if they limited the amount of animals that could be on site it would be challenging to enforce those rules. Commissioner Robert Wilson shared that he was going to the hair shed soon, so he would update the Planning Commission about how the Code enforcement was working there.

Motion: Commissioner Jordan moved to approve Requesting a Conditional Use for The Puppy Palace, located at 450 W 910 S, Suite 300 (Planner Roberts). Commissioner Knight made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall . **Voting No:** None. The Motion Passed 6-0.

4. Work Meeting:

I. Commercial Day Cares as a Conditional Use in Residential Zones (Planner Baron)

Planner Baron explained this item and familiarized the Planning Commission with this project. He indicated the location, across the street from Rocky Mountain Middle School, and summarized the plan was to build a daycare that would provide after-school services and resources to students. He said this type of daycare was not permitted in residential zones, so the Council had suggested making this a conditional use in the zone, with conditions. Planner Baron said they would create an MDA that specified this business was allowed in the zone. He said the conditions would give the daycare the same parameters that private schools had in the zone. He added the daycare would also have to meet the setback standards of the zone as well.

Aaron Johnson, the applicant, said he was the Board President of School House Academy and explained the company wanted to solve the daycare needs in Heber City. He spoke about the plan for the daycare and said in phase I it would accommodate about 80 students and would grow from there. He invited any questions. Commissioner Jordan asked what concerns had already been brought to their attention and Mr. Johnson noted they were working through some fencing issues, and they were updating their plan to include fencing in all the areas it was required. Mr. Johnson also said there had been some concerns about the neighboring areas, and said that he and

some of his co-workers were neighbors to the northeast and said they planned to be mindful of nearby residents in their plans. Planner Baron added they should do a traffic study as well to make sure there were no disruptions or major impacts to traffic. Commissioner Wilson hoped there would be a traffic study since he lived in the area and noticed a lot of problems with speeding and traffic around the school. Commissioner Wilson said he was not opposed to the plan, but expressed traffic was a big problem at the school and said this would increase traffic. Commissioner Wilson made some comments about how traffic was increasing in Heber overall. Planner Baron noted a traffic study was usually a requirement for a site plan.

Dave Johnson of School House Academy discussed how the conditional use in the zone was going to work. He explained they had been considering an MDA originally, although the Council had suggested a text amendment. Mr. Johnson explained this changed the noticing requirements, however, so they wanted to go back to the MDA. He said they wanted to discuss the development agreement option and also get feedback from the Planning Commission. Commissioner Jordan said if they were going to use a development agreement then he wanted to see a more developed site plan rather than a conceptual one.

Chairman Gunn expressed that he liked the concept and was in favor of the plan. However, he was not in favor of putting it in any residential zone. He thought this site made sense because it was by the school, although he did not think this was an appropriate use in all residential zones. Planner Baron explained the conditions that needed to be met for this use to be approved in a residential zone and said there were only about ten other places in the City that would qualify. Planner Baron discussed if they did a development agreement, they could approve each property individually; however, the Council wanted to get the City Code updated so that they could limit the number of MDAs and alleviate any confusion. Chairman Gunn also said he wanted to get feedback from the nearby neighbors and one of the applicants responded that they were going out into the community and had gotten overwhelmingly positive feedback. Chairman Gunn reiterated that he liked the plan but thought this should be a conditional use permit rather than a text amendment.

Mr. Aaron Johnson explained drop-off for students was 7:30 AM and pick-up was

5:30 PM for the daycare portion. He said they were in talks with the School District about partnering with them for bussing, and said the School District was interested in that which was why they had included a circular drive on their site plan. Mr. Aaron Johnson added with phase I, there was not a lot of space for after-school programming; that building would come in phase II. He also noted they planned to accommodate children from ages 0-18 years.

Commissioner Knight agreed that he loved the plan but was worried about the impact to the neighbors. Mr. Aaron Johnson discussed he currently brought his kids to a daycare that was located off a main road, so people sped into the parking lot since the speed limit on the road was so high and this posed a safety threat. Mr. Johnson thought having a daycare in a more residential area would be a good thing. Planner Baron gave more information about how a text amendment would work, although said that would be the intention for the future and for this property, they were

proposing a conditional use permit.

Chairman Gunn asked if there was a concern about the fact this was on the other side of the street from the school and kids would have to cross a busy street to get to the center. Mr. Aaron Johnson shared there was a crosswalk and a designated safe walking route. Mr. Johnson did acknowledge that although there were crossing guards and a safe route, some students might choose to cross in another area. Mr. Johnson added that the younger children would not be coming from the school either; they were too young for school so they would be dropped off directly by their parents.

Commissioner Royal asked if they had considered the proximity of the train and the fact that the train whistle might wake up the smaller children at the center. Mr.

Johnson said they had thought about it and had considered noise-blocking mechanisms. Mr. Johnson said there were a lot of fencing requirements from the State when it came to daycares, so he did not think there was a safety consideration in that regard. Mr. Johnson said the train did not bother his two children, who were toddlers. Commissioner Royal commented there was a lot going on in that area including the rodeo, and Mr. Johnson mentioned he could even hear the rodeo from his house. Commissioner Royal asked if there was a limit or restrictions on noise-blocking walls and Planner Baron said the applicant could build up to an eight-foot wall. Planner Baron added he was unsure if the train had any restrictions since it went through UDOT. Chairman Gunn noted the train typically ran from 4 PM to 11 PM so he did not anticipate there being a huge issue. Commissioner Knight also commented that the neighbors already lived with the train.

Planner Baron discussed they needed to think about the balance of the sound wall; if they made it too tall it would start to be obstructive to neighbors. Planner Baron said eight feet was typical but wondered about going any taller than that. Chairman Gunn said if the train noise became a huge issue they could start to consider another part of town that met the requirements and did not have the train issue.

Commissioner Broughton clarified that the applicants were not worried about the train and the applicants replied they were not, although they could tweak their plans

to the Planning Commission's requirements if the Commissioners were concerned about the noise.

Commissioner Jordan asked if there was a way to limit the size of the center to be proportionate to the impact on the surrounding residents. Planner Baron asked for clarification. Commissioner Jordan asked how they could gauge the conditional use in order to minimize impact on the surrounding residences. Planner Baron replied they could, and discussed that the State already had guidelines about how many children could go to a daycare based on square footage and amount of outdoor play space. Planner Baron also discussed their own density requirements, which also limited the number of people who could be on-site at any one time. Commissioner Knight pointed out since there was already a school in the area, students would already be out and about in this area and the center at least gave them a place to go. Chairman Gunn added this would not be used at night, so any disruption to neighbors would be during the day.

Planner Baron said his major concern was traffic and otherwise he did not have significant concerns about the site. Planner Baron said drop-off and pick-up would get

very congested. Chairman Gunn expressed concern that the 7:30 AM drop-off would be disruptive to residences and there was a short conversation in which they debated how much louder than any area would be that early in the morning. Chairman Gunn said for this reason, he did not want to make this a codified use. Planner Baron clarified the difference between a conditional and permitted use and emphasized that conditional uses would have to meet a set of criteria to be allowed. Chairman Gunn thought one of the criteria should be that the center be located in proximity to a school.

Commissioner Broughon asked why they needed either a circular driveway or a loading and unloading area. Planner Baron said it was because the circular driveway would act as the loading area. Commissioner Broughton pointed out the driveway could be any size and might not accommodate everyone and Planner Baron agreed they would have to know the size of the driveway.

Planner Baron explained how this would be noticed and said they were going to do due diligence to solicit public feedback. Planner Baron said they would not take any action on this until there had been a public hearing. Chairman Gunn agreed they needed to get input from the public. Commissioner Jordan thought this project was well managed and expressed he was not worried about this one in particular; he was more worried about the precedent it established for other similar projects.

Planner Baron summarized there was support to move forward with an MDA for this particular agreement, although the Planning Commission was hesitant about making a text amendment in the Code. Planner Baron confirmed the Planning Commission's main concerns were traffic mitigation during peak times, setbacks and proximity to other residences, and noise issues. Planner Baron said this would come back as a public hearing in two weeks time.

5. Administrative Items:

I. City Council Communication Item (Jamie Baron)

Planner Baron reported on the March 5th meeting, which he noted had been shortened due to Caucus Night. He said they had discussed updates to the Heber Valley Corridor with UDOT and said they were still working through where the alignment should go. He said they had not made any decisions at the meeting, it was mostly an update from UDOT and a conversation about how certain easements would impact the bypass.

Planner Baron also briefly went over the Airport Hangar Term sheet and Animal Control MLU. Planner Baron discussed there was a City branding update as well.

Commissioner Jordan asked when they would know more from UDOT about the bypass. Planner Baron said they were hoping for spring of next year, although it might get pushed back.

II. Discuss 2024 Planning Commission Training (4 hours)

Planner Baron also reminded the Commission they needed to complete the Open and Public Meetings Act training before the end of the year. He said the Commissioners had to do it on their own, and then send proof of their completion to Planning Office Admin

Meshelle Kijanen. Planning Office Admin Meshelle Kijanen suggested some other trainings that the Commissioners could participate in, since they needed to hit four total hours of training every year. She indicated she would send the links to access the trainings to the Commissioners.

6. Adjournment:

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

Voting Yes: Commissioner Gunn, Commissioner Knight, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Royall. **Voting No:** None. The Motion Passed 6-0.

Meeting Adjourned

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant