

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
March 26, 2024**

Approved Minutes

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Planning Commission Chair Dennis Gunn called the meeting to order at 6:07 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Vice-Chairman Dave Richards
Commissioner Josh Knight
Commissioner Tori Broughton
Commissioner Darek Slagowski
Alternate Commissioner Greg Royall
Alternate Commissioner Jami Hewlett

Planning Commission Absent:

Commissioner Phil Jordan
Commissioner Robert Wilson

Staff Present:

Planning Manager Jamie Baron
Planner Jacob Roberts
City Recorder Trina Cooke

Staff Participating Remotely:

Anthon Beales, IT Specialist
Denna Woodbury, Consultant

Also Present:

Also Attending Remotely:

David (no last name)

III. Pledge of Allegiance: Dave Richards led the recitation of the Pledge of Allegiance.

IV. Recuse for Conflict of Interest N/A

2. Consent Agenda: N/A

3. Action Items:

- I. Public Hearing for Development Agreement for School House Academy at approximately 700 S School House Way.

Planning Manager Jamie Baron introduced the agenda item and provided the details and background information as included in the meeting materials.

Planning Manager Baron said School House Academy was looking to build a daycare across from Rocky Mountain Middle School and Heber Elementary School. Planning Manager Baron said the property was 1.71 acres in size and currently located in an R1 Zone. Planning Manager Baron clarified the R1 Zone currently allows home daycares. Planning Manager Baron said they hoped to address the need for a daycare in the area while honoring the presence of the Middle and Elementary School.

Planning Manager Baron gestured to a visual aid showing an overhead view of the property then moved on to the site plan. Planning Manager Baron said they would want to add parking on the South and expand the area outside of this. Planning Manager Baron said the development agreement would hold the daycare to the same requirement as the schools across the street along with state requirements for daycares. Planning Manager Baron said the state requirements were lengthy and complicated, largely revolving around teacher to student ratios and property size. Planning Manager Baron indicated a one acreage requirement for daycares and reiterated the size of the property in question was 1.7 acres. Planning Manager Baron said street access must be on a major collector street and follow all parking and setback requirements. Planning Manager Baron said the Staff had asked that the setback height requirement be 30 feet and noted they would have to have either a circular drive or several unloading areas. Planning Manager Baron reported the applicant was thinking of going with the circular drive. Planning Manager Baron added that common areas must be at a minimum of 20% and also meet State fencing requirements.

Planning Manager Baron said they carried out a traffic study and did not anticipate any changes given the study's findings. Planning Manager Baron presented the findings of the traffic study via visual aid. Planning Manager Baron said there were A- level surface findings. Planning Manager Baron turned the time back to the Planning Commission and asked they give the applicants time to speak.

Applicants Piper Riddle, Eric Johnson, and Dave Johnson were present to answer additional questions for the Commission.

Applicant Riddle came forward and identified herself as the director of School House Academy. Applicant Johnson came forward and identified himself as the Board Chair for School House Academy. Applicant Riddle said Planning Manager Baron had well-represented their plan and added that Utah had several rules and regulations for childcare facilities of which they would comply. Chairman Gunn opened the floor for questions from Commissioners.

Alternate Commissioner Jami Hewlett asked about the traffic study. Commissioner

Hewlett said early plans indicated they were anticipating 200 children at the daycare and this number has since lowered to 84. Commissioner Hewlett asked if this was a shift from the first phase. Applicant Riddle said phase I of their plan allotted for 84 children given the available square footage. Applicant Riddle said phase II would bring them up to 180 assuming they expand the square footage. Applicant Riddle said they never planned on having more than 200 children on the property. Applicant Johnson reiterated this plan.

Chairman Gunn asked if the traffic study took into account load in and out times for all the schools. Applicant Johnson said it did.

Commissioner Richards asked if anyone present from Engineering Staff was present. No one came forward. Commissioner Richards asked if Planning Manager Baron could speak on behalf of Engineering Staff.

Planning Manager Baron said Engineering has yet to weigh in on the traffic studies but will follow the Master Plan. Planning Manager Baron said they would probably add a condition saying the City would need to comply with any and all findings of the traffic study. Planning Manager Baron said all comments so far were pretty generic.

Alternative Commissioner Greg Royall came forward and asked another question.

Commissioner Royall asked where the Circle Drive would be and where it would dump onto the street. Applicant Riddle said there was no intersection on School House Way and the Middle and Elementary School would exit across from their property on the other side of the building. Applicant Riddle said there would be no pick-up or drop-off allowed directly across from their property. Applicant Riddle said phase I would likely be filled with toddlers and infants and stressed there would likely be no after school programs until phase II.

Commissioner Hewlett asked about limits on operation hours since the property is in a residential zone. Planning Manager Baron said they could negotiate this after consulting the applicants. Planning Manager Baron said the only concern was going late which did not seem to be an issue here. Commissioner Josh Knight said they were thinking the limit would be 6 PM. Applicant Riddle said the earliest hour would be 7 AM. Planning Manager Baron said they could add this as a condition of the recommendation.

Chairman Gunn opened the Public Hearing at 6:25 PM.

With no one coming forward from the public to comment, Chairman Gunn closed the Public Hearing at 6:26 PM.

Commissioner Tori Broughten said this seemed like the right time and right place for such a project and. Commissioner Knight agreed with Commissioner Broughten, and also added that this would make drop off easier for parents. Commissioner Richards said he was ready to make a motion.

Motion: Commissioner Knight moved to approve Public Hearing for the Development Agreement for School House Academy at approximately 700 S School House Way..

Planning Commission Vice-Chair Richards made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Broughton,

Commissioner Royall, Commissioner Hewlett **Voting No:** None. The Motion Passed 7-0.

II. A Zoning Amendment for 167 West Center Street to rezone the property from RC (Residential Commercial) to C-3 (Central Commercial)

Planning Consultant Denna Woodbury shared the information for the requested zone change. Planning Consultant Woodbury said the zone change came about to facilitate residential apartments and commercial use on this property. Planning Consultant Woodbury said this would align with the downtown district requirements. Planning Consultant Woodbury said the C3 was established for business reasons and would require a mixed use permit. Planning Consultant Woodbury said they recommended approval and opened up time to the Planning Commission. Commissioner Richards asked Planning Manager Baron what the applicant intended to do with the property. Planning Manager Jamie Baron provided additional information regarding the intended use of the property as outlined in the attached Staff Report and meeting materials.

Someone came forward and spoke unintelligibly. [00:26:40]

Commissioner Richards asked about C3 versus C2 and how far West this plan would take them. Planning Manager Baron spoke unintelligibly. [00:27:30]

Commissioner Richards asked at what point they transition from one zone to the other and where the buffer is. Planning Manager Baron spoke unintelligibly [00:28:30].

Commissioner Knight for additional information found in the report. Chairman Gunn asked if this would create a "spot zone." Planning Manager Baron responded unintelligibly [00:30:10]

Chairman Gunn said they have historically not approved Spot Zoning in this area.

Planning Manager Baron continued to speak unintelligibly [00:32:00]

Commissioner Knight asked what the height maximum was in the C3 Zone. Planning Manager Baron responded unintelligibly [00:32:50].

Commissioner Royall asked if the neighborhoods and streets around this area could handle an additional unit. Planning Manager Baron responded unintelligibly [00:33:50].

Chairman Knight clarified that they would need to provide two parking spaces per unit and asked if C3 allowed four stories. Commissioner Broughten said she believed it was 3 stories with a residential unit requirement. Commissioner Richards said he had a hard time believing they would get parking to comply with the project. Commissioner Hewlett said they should check in with the Historical Committee to ensure the area stayed "historical" even as they chop away at the area. Chairman Gunn asked if the applicant was there. No one was present. Planning Manager Baron spoke unintelligibly [00:38:20].

Chairman Gunn opened the Public Hearing at 6:44 PM.

Alicia Power came forward and expressed her concerns. Ms. Power said the community would take the brunt of the traffic and asked they consider the historic elements of their community. Ms. Power said they have plenty of housing and the kids in the community need more to do. Ms. Power said she would like to create community based solutions for the City's Youth and said she was against this change. Ms. Power said this change seems designed for investors and those looking to resell the

buildings.

Cally Leatham came forward and said her backyard bordered the back of the property. Ms. Leatham said she wanted to stop this project and found this all very stressful.

Laura Martindale came forward next. Ms. Martindale noted she was raised in the neighborhood and her mother still lived in the neighborhood. Ms. Martindale felt the proposed housing structure would negatively change the area. Ms. Martindale said they accepted changes with the school but nothing more. Ms. Martindale's sister Susan came forward next and reiterated all Ms. Martindale's points about change.

Chairman Gunn closed the Public Hearing at 6:51 PM.

Planning Manager Baron spoke unintelligibly [00:46:50].

Commissioner Broughton thanked those who came forward and noted she felt this was the right direction for the City given the strict design plan. Commissioner Broughton said they needed more housing in walkable areas.

Commissioner Royall disagreed on the basis of traffic concerns. Commissioner Royall said they needed to consider where to cut off the C3 Zone and accommodate local traffic.

Commissioner Richards acknowledged the traffic concerns in the area. Commissioner Richards said the road needed to improve. Commissioner Richards said he was in favor of past changes because of the need to front certain roads. Commissioner Richards said he did not envision a four story building here and questioned how much money someone could spend on an area with so little square footage. Commissioner Richards said something would have to happen. Commissioner Richards said he did not know where to draw the line.

Chairman Gunn said he supported adding more housing to the downtown area but was against spot zoning. Chairman Gunn asked to hear from the applicant and know their motivations. Chairman Gunn said he was uninterested if the applicant's motivations were strictly economic.

Planning Manager Baron spoke unintelligibly [00:53:50]. Planning Manager Baron reminded the Commission there was a development agreement.

Commissioner Richards said they looked at main roads when deciding whether or not to rezone. Commissioner Richards said where these buildings face is a huge factor in deciding what to do. Commissioner Royall said there needed to be a balance between building more and accommodating citizens. Commissioner Knight was in agreement with Chairman Gunn on spot zoning. Commissioner Knight said he was not comfortable approving the change without hearing from the applicant first.

Commissioner Richards said this would all be a matter of time given the new high school being built on Center Street. Commissioner Broughton said they could plan ahead and have fewer thoroughfares. Commissioner Richards questioned if they could get everything they needed and reiterated the need to speak with the applicant.

Chairman Gunn said they could always come back to this item.

Commissioner Darek Slagowski said this change may drive people out of the area as well.

Planning Manager Baron spoke unintelligibly [01:03:30].

Motion: Planning Commission Vice-Chair Richards moved to continue the Zoning Amendment for 167 West Center Street to rezone the property from RC (Residential Commercial) to C-3 (Central Commercial). Commissioner Slagowski made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Broughton, Commissioner Royall, and Commissioner Smith. **Voting No:** None. The Motion Passed 7-0.

4. Work Meeting: N/A

5. Administrative Items:

Planning Manager Jamie Baron

I. City Council Communication Item (Jamie Baron)

Planning Manager Jamie Baron reviewed the previous week's City Council Agenda from March 19, 2024, and provided the Council direction and actions taken. This section was largely unintelligible. [01:21:40]

Commissioner Richards asked about how the county plans on creating certain buffers. Planning Manager Baron responded unintelligibly [01:26:00]

Commissioner Royall asked if they would discuss how to find more parking for businesses.

Planning Manager Baron explained that existing businesses could not be required by the City to provide additional parking. Planning Manager Baron said parking solutions needed to be brought by new development or redevelopment. Planning Manager Baron shared the conversations at City Council level to purchase surrounding downtown parcels for parking solutions.

Commissioner Royall said the primary way to rebuild Main Street is through additional parking.

Planning Manager Baron spoke unintelligibly [01:12:00]

Commissioner Richards said "the lowest hanging fruit" would be restructuring the parking on the side of the road. Commissioner Richards said businesses will move to the outskirts of town to build more businesses with plenty of parking. Commissioner Broughton said no one is interested in selling their businesses on Main Street and said small business fronts on Main Street will make the difference.

Planning Manager Baron spoke unintelligibly [01:15:45]

Commissioner Slagowski said they had been previously trying to build parking onto additional building stories. Commissioner Richards said it all boiled down to economics. Chairman Gunn asked why a small business is up for sale on Main Street. Planning Manager Baron responded unintelligibly [01:19:30].

6. Adjournment:

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

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Knight, Commissioner Broughton, Commissioner Royall. **Voting No:** None. The Motion Passed 7-0.7.37 p.m.

_____Meshelle Kijanen_____
Meshelle Kijanen, Administrative Assistant