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

Approved Minutes

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Gunn called the Planning Commission Meeting to order at 7:06 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:	Chairman Dennis Gunn Vice-Chairman Dave Richards Commissioner Phil Jordan Commissioner Jami Hewlett Commissioner Tori Broughton Commissioner Darek Slagowski Commissioner Robert Wilson
Planning Commission Absent:	Commissioner Josh Knight
Staff Present:	Community Development Director Tony Kohler Planner Jacob Roberts Planning Office Admin Meshelle Kijanen City Engineer Ross Hansen
Also Attending:	Rick Magness, three others attended but no sign in
Staff Participating Remotely:	Planning Consultant Denna Woodbury
Also Attending Remotely:	Names not shown

III. Pledge of Allegiance: Commissioner Phl Jordan led the recitation of the Pledge of Allegiance.

IV. Recuse for Conflict of Interest N/A

V. Prayer or Thought: Commissioner Dave Richards offered a prayer.

2. Consent Agenda:

I. 03.26.2024 Minutes for Approval

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

Discussion: N/A

Voting Yes: Commissioner Gunn, Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Jordan, Commissioner Broughton, Commissioner Hewlett. **Voting No:** None. The Motion Passed 7-0.

3. Action Items:

I. A Public Hearing to consider the approval of a Development Agreement for the construction of a multi-tenant sign at 744 North Main Street. (Kohler)

Planner Tony Kohler presented this item. He stated that the Code allowed for a “rural iconic sign,” and mentioned some signs around town which fit that standard. He said this proposed sign did not quite fit the description of “iconic” though it did match the surrounding architecture. Planner Kohler indicated he had visited with the applicants, who had shown him the intended site where the signs would be located. He said this would be a development agreement if permitted since it was not in accordance with their usual Code, and as such a public hearing was required. He stated the sign was originally intended to be 20 feet tall, and the Staff had asked for the size to be reduced. He opined that the agreement should limit both the size and number of signs that were allowed. He indicated a representative was present that evening to answer any questions and invited him to speak.

Rick Magness of AWA Engineering introduced himself and said AWA was the consultant for all Smith’s Market Place locations. He thought this proposal was a good idea and explained centers like this one utilized signage to create a sense of place. He pointed out how people looked for prices to be listed on the monument signs. He agreed they needed to mitigate a sense of “clutter” in areas that had a lot of monument signs, so it was better to have centralized multi-tenant signs. He noted they had reduced the height down to 20 feet from 25 feet, and expressed it was important that the square footage remain the same, at 132.5 square feet. He emphasized that the sign would use the same material and colors of the surrounding buildings. He pointed out one multi-tenant sign would create less signage than having multiple monument signs. Mr. Magness said they had drafted a development agreement and concurred with all that Planner Kohler had said. He also thanked Staff for their work on this item. Commissioner Phil Jordan asked if each tenant was going to use the same font. Mr. Magness said the fonts on the individual tenant’s signs might deviate and they could also add their logos if they wanted to, though the lighting would remain the same. Commissioner Jordan asked if their commercial brand could go in the sign and Mr. Magness said they could do that if they wished. Planner Kohler added that the City could not limit what colors and fonts individual businesses used to advertise. Planner Kohler said they leaned on Master Plan developers to keep things consistent, so having

Smith's Market Place be in charge of the sign would actually be a great help to the City to keep signage in order.

Mr. Magness clarified there would be four tenant spaces currently, though if they did add another one they would keep the overall size of the sign the same and just reduce the amount of space that each tenant received. Commissioner Jordan agreed that six monument signs would be more cluttered than one multi-tenant sign.

Commissioner Jami Hewlett asked what the current height restriction was and Planner Kohler replied that it was ten feet tall for monument signs. Planner Kohler added the Council had capped the rural iconic signs at 50 square feet although there was no parameter on specifically how tall or wide they could be. Planner Kohler discussed these signs did not really fit the designation of rural iconic signs, however. He also provided some background on the Council's previous decisions about sign restrictions in Heber.

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

There were no comments in person or online, so Chairman Dennis Gunn closed the public hearing.

Chairman Gunn opined that he liked the updates and was glad they had gotten rid of the monument signs. Commissioner Jordan asked about the Dark Sky ordinance, and Planner Kohler said the staff needed to look into that further. Chairman Gunn pointed out the letters were backlit and asked if that was dark sky-compliant. Planner Kohler discussed that lights could be dimmed after a certain time of night, and said this was done on signs in other parts of town. Planner Kohler said the other main component of the Dark Sky ordinance was that lights could not shine straight up, and he pointed out these lights did not.

Mr. Magness explained that although the kiosks were open 24/7, they were only manned by staff until 11 PM. He elaborated how LED lighting allowed them to control the distance that the light reached to a much greater extent. He said the lights made people feel safe, although the lighting did not extend far beyond the gas station. He also stated the backlight was the best way to control the lighting in terms of the Dark Sky ordinance. Mr. Magness noted that Smith's sign had raised backlit lettering.

Planning Commission Vice-Chair Dave Richards expressed his approval of this plan. He noted that in the past, signage had been a contentious issue and he thought this was a good compromise. He thought they needed to give Smith's enough lateral movement, and agreed it was important to make gas stations easily identifiable to people driving at night.

Commissioner Tori Broughton thought this was fairly straightforward. Commissioner Jordan also thought this was a good plan and expressed that he appreciated the size of the setback as well.

Motion: Planning Commission Vice-Chair Richards moved to a positive recommendation to consider the approval of a Development Agreement for the construction of a multi-tenant sign at 744 North Main Street, with the findings and conditions as outlined in the conclusion. Commissioner Broughton made the second.

Discussion: Planner Kohler clarified that the findings and conditions would not be in the conclusion in the Staff report. Planning Commission Vice-Chair Richards noted that he was having trouble viewing the Staff Report in its entirety due to some technical troubles, and as such could not view all the findings and conditions as they were written

out. Commissioner Broughton noted the same issue.
Commissioner Jordan also pointed out that the Staff Report indicated this sign would fit the description for rural iconic signs, and asked if their conversation was contradictory to that. Planner Kohler said it generally did fit the description for rural iconic signs and the Report was not contradictory.
Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Slagowski, Commissioner Jordan, Commissioner Wilson, Commissioner Broughton, Commissioner Hewlett.
Voting No: None. The Motion Passed 7-0.

II. <u>A Zoning Amendment for 167 West Center Street to rezone the property from RC (Residential Commercial) to C-3 (Central Commercial) (Planner Denna Woodbury)</u>

Planner Deena Woodbury explained this item and briefly recapped a public hearing which had been held in regard to this item. She recalled that the Planning Commission had previously held a discussion as to where the boundary for this zone should be located, and also held discussion about spot zoning. She explained the proposal met the General Plan for the downtown district. She said the zone allowed for small business as well as residential units with a permitted use permit. Planner Woodbury reported that Staff recommended approval as it met the General Plan, and invited the applicant to speak.
Chairman Gunn reminded the Commission that they had held a public hearing about this topic a month ago, and during that meeting there had been a lot of input from the public, so he thought it was appropriate to have the petitioner come and address some questions that had come up at the meeting.
Tanner Riedel spoke on the applicant's behalf and said he was a commercial realtor. He reported the family who owned the property had been in Heber for over 20 years and was doing a lot of development. He stated that CenturyLink had converted this space into a commercial office about 20 years ago, and explained the current zone was limiting to the owners, who were interested in redeveloping the space. He acknowledged that there had been a lot of concern about height at the public hearing and he emphasized that they did not intend to go beyond four stories. He said the family did not exactly know what they wanted to do with the property, so they were happy to work with the City and see what they wanted to do with it. He expressed there would be ample room for parking. He lastly noted that the parcel to the east of them had recently been rezoned C3, so they wanted to do the same on their lot.
Commissioner Broughton asked why they wanted to rezone now if they did not know what they wanted to do with the property. Mr. Riedel said if they wanted to put apartments in they would need to change the zone, and so rezoning would allow them the option of putting in apartment units. He reiterated they were happy to work with the City, and said their general idea was to put commercial on the ground floor with residential units on the top.
Commissioner Richards commented that there had not been a representative there for the public hearing, and commented there had been a lot of concern over height and density. He thought density would be limited because of the small size of the lot, though thought traffic may increase with another residential development.

Commissioner Richards spoke about how the Commission often had issues when they allowed a rezone before a development was proposed, and then a developer designed something that the City did not want, though had to allow as long as it was within the parameters of the zone.

Commissioner Broughton asked for clarity about the zone. Planner Kohler said there could be a mix of small businesses with residential space as well. Planner Kohler said the Envision Heber plan incorporated this property, and was planned to have a mix of residential and commercial uses. He noted it was a somewhat challenging section since so much of the area was already commercial. Planner Kohler explained zone changes took a long time and this family wanted to get ahead of the zone changes planned in the long term in order to start development on their property. Commissioner Jordan asked if the ultimate vision for the area was to be C3 zone, and Planner Kohler spoke about their plan to have a residential corridor, which would have residences as well as hospitality services.

Commissioner Darek Slagowski thought they were currently allowed to have up to three stories in the residential/commercial (RC) zone and Planner Kohler said he would have to check, but thought that was the case. Mr. Riedel pointed out they would not be able to do multi-family homes in the RC zone. Commissioner Slagowski felt that height was not the issue if commercial buildings were allowed to be three stories anyway.

Commissioner Slagowski thought the C3 zone might need some adjustments. Planner Kohler said they could do that, though amending a zone was very burdensome as far as public noticing was concerned, and he outlined an alternate process to make changes.

Planner Kohler said the C3 zone allowed for four stories only in the event that 10% of the units in the building were affordable, the building included commercial space, and if the building featured a setback. He said not all applicants would want to do that, though said this applicant had mentioned wanting to do mixed-use.

Chairman Gunn asked for clarity, since it had been mentioned that the applicant had no specific plan, although they had also discussed mixed-use. Sam Burbage spoke up, and identified that he worked for the development on the architectural and engineering side of things. He explained the developer wanted the C3 zone because they were limited with what they could design in the current zone. Mr. Burbage noted the plat was small, and had an odd feature that stuck out from the rest of the parcel. He said the building plan was based around that feature. Mr. Burbage explained they had not fleshed out a full plan for the development since it was not feasible with the current zone, and explained they wanted to develop something in conjunction with the City.

Chairman Gunn said he had not heard any compelling reasons to change the zone other than that it might raise the value of the property. He worried about granting four stories, since even if the current developer did not intend to do that, if they sold the property the new owner might put in four stories. Chairman Gunn said there did not seem to be a firm reason they should grant this, and said he was not in favor of spot zoning. He also pointed out that the neighbors did not want this project. Commissioner Jami Hewlett agreed with all of those points, and added that the street was being designated historical by the Historic Society, and the intended aesthetic of the street was to be reserved and stately. She thought the developer could create something great with the zone they had now.

Commissioner Broughton thought they could actually get more control over the zone if they moved to the C3 zone. She pointed out there was more going on in the C3 zone than the residential zone, and so as long as the developer worked with the City then the City would actually have more options to develop the property with C3. She opined that she wanted to see more commercial storefronts on the ground floor of buildings closer to downtown, and thought it would be good to keep developments like this clustered together rather than throughout the City.

The owner of the property, Lee Burgidge, pointed out that there were surrounding parcels in the C3 zone, so if they did not allow the rezone it would actually create spot zoning. He thought the City would lose control in the long run if they did not allow the rezone.

Planner Kohler pulled up the General Plan and the Envision Heber map. He indicated where the property was located in the original General Plan. Chairman Gunn asked if they wanted forward-change for all upcoming zone changes, rather than pocket zoning. Commissioner Hewlett said they could always build according to the Code that existed at the time. However, Commissioner Hewlett expressed that the parcel should never be zoned C3 since the neighbors did not want it.

Planner Kohler read that the Envision Heber Plan listed that there should be a mix of single family homes, retail, restaurant, offices, and hospitality, with features like alleyways and historic structures in the neighborhood mixed-use corridor. Planner Kohler said there was not a zone that encompassed all of that yet, and although they were going to work on that this year, the current closest zone to that was C3. Planner Kohler said if the Commission was worried about height they could request a development agreement that limited it to three feet.

Commissioner Hewlett pointed out it was not just about height but density as well. Planner Kohler explained the kind of housing that was allowed in C3 included mansion-style homes, which were not particularly dense. He also explained the history of “missing middle” homes, and said there was a whole segment of housing that was needed for returning missionaries, single people, and seniors. Planner Kohler emphasized that there was a great need for that type of housing in Heber. Commissioner Hewlett argued that this type of housing was not effective in Heber, since housing costs were so high that the City was inaccessible to those types of people anyway. Commissioner Hewlett thought they were just increasing density without solving for this missing type of housing.

Commissioner Broughton thought mixed use actually lowered density, since the bottom floor was designated for commercial space rather than more housing units. Commissioner Hewlett commented that it was possible with the current zone. Planner Kohler said they actually could not do that with the current zone; multi-family was not allowed in the zone and the commercial possibilities were limited.

Commissioner Slagowski asked about a development zone. Chairman Gunn pointed out there would be a lot of debate if a zone was approved. Chairman Gunn discussed that even if they denied this proposal that evening, when the new zone came along they would still have to deal with the issue of height. Chairman Gunn said zones were set up the way they were on purpose, and emphasized that he was not in favor of spot zoning to cater to specific developers. Chairman Gunn recalled at the public hearing

there was overwhelmingly negative feedback to this proposal.
Planner Kohler thought it would match the General Plan if they wanted to forward a positive recommendation to the Council along with a development agreement that limited the height. He acknowledged it was a hard decision to make and reiterated that a development agreement would effectively limit the height. He outlined the options that the Planning Commission had. He also commented that the Planning Commission was not the final approving body and reminded them that the Council would ultimately have final say.
Commissioner Jordan asked to look at a map of the downtown and commented that they were beginning to make significant changes to the downtown area. He said the area that the property was in was part of the historic part of town, though there had been a lot of new developments around the area. Commissioner Jordan was in favor of recommending positive recommendations along with a development agreement. He commented that the downtown was changing, and though they wanted to honor their past they needed to look towards their future. He thought this would come up again even if they denied it that evening. Although he agreed that spot changing was not great, he felt this met the incoming needs of the City. He also pointed out that while the street was historic, the specific area where the property was located was designated as a transition zone.
Commissioner Slagowski agreed with Commissioner Jordan. Chairman Gunn said that he understood the concept, but said the applicant was asking for a zone change, not Envision 2050. Chairman Gunn said the only option was to advance it to C3, not making it Envision 2050 and urged the Commissioners to think about what the applicant was asking. Chairman Gunn gave some history about form base code, and spoke about how although the Commission had put a lot of work into that, at some point a previous Commissioner had shut form base code down and made all of that work void. Chairman Gunn cautioned how something like that could happen again with Envision 2050. Chairman Gunn stated firmly they should not zone for something that was likely to happen, but was not a certainty.
Motion: Commissioner Jordan moved to forward a Positive Recommendation for a Zoning Amendment for 167 West Center Street to rezone the property from RC (Residential Commercial) to C-3 (Central Commercial) as presented with findings and conditions, with the additional requirement that a development agreement be put in place that limited the height to three stories. Commissioner Slagowski made the second.
Discussion: N/A
Voting Yes: Commissioner Slagowski, Commissioner Jordan, Commissioner Broughton.
Voting No: Commissioner Gunn, Commissioner Hewlett. The Motion Passed 3-2. Commissioner Robert Wilson did not vote on this item.
Chairman Gunn complimented every member who had discussed and voted on the item. He said it was okay to have a dissenting vote and pointed out that was the point of democracy. He acknowledged it had not been easy and thanked all of the Commissioners for participating.

4. <u>Work Meeting:</u>

I. ~~*Discuss the process for Central Heber Overlay Zone (Kohler)~~

5. Administrative Items:

I.

1. City Council Communication Item

Planner Kohler reported on the most recent City Council. He firstly noted there had been discussion about a Monument of the Americas. He stated this was just informational; there was no vote about this. He then reported on improvements which had been made to their park standards and specifications. Planner Kohler stated the Mayor's Award had been bestowed on an IT employee, Anthony Beales.

Planner Kohler announced the County Park Development Agreement had been passed by the Council. Planner Kohler also mentioned the Arts Advisory Committee TAP meeting. Chairman Gunn interjected to explain that an Arts and Parks advisory committee had been put together to come up with a new standard of scoring and review for projects to be funded. Chairman Gunn noted Heber City collected 44% of the tax revenue created from those projects.

Planner Kohler lastly said Ordinance 2024-09 had passed, and that was all for that meeting. He noted it had been a relatively brief Council meeting.

Chairman Gunn asked Planner Kohler his thoughts on spot changing and MDAs. Planner Kohler commented he was generally not personally in favor of using development agreements to allow for exceptions. However, he acknowledged the circumstances were different in this case because there was not a better zone in existence for this kind of development. Commissioner Jordan commented that was the reason he had voted the way he had. Commissioner Jordan added that usually, he did not want to allow applicants to make changes to a zone just for one development, though in this case he felt it was in line with the broader changes that Heber wanted to make. Chairman Gunn expressed that although he had not voted in favor of the rezone, he understood the rationale behind it and thought a development agreement was not a bad idea.

Planner Kohler added he would email the Commissioners a copy of his report. Chairman Gunn reiterated that the Commissioners generally were all in accordance, but said it was important that they were able to have conversations in which they did not agree.

6. Adjournment:

Commissioner Broughton motioned to adjourn. All the Commissioners voted aye and the meeting was adjourned.

___________Meshelle Kijanen___________

Meshelle Kijanen, Administrative Assistant