

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
June 11, 2024**

Approved July 9, 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 pm and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Dennis Gunn
Vice-Chairman Dave Richards
Commissioner Tori Broughton
Commissioner Robert Wilson
Alternate Commissioner Jami Hewlett

Planning Commission Absent:

Commissioner Phil Jordan
Commissioner Josh Knight
Commissioner Darek Slagowski

Staff Present:

Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
City Engineer S. Ross Hansen

Staff Participating Remotely:

Planner Aubry Larsen

Also Present:

Kent Buie

Also Attending Remotely:

Marian Crosby

III. Pledge of Allegiance: By Invitation

Tori Broughton led the recitation of the Pledge of Allegiance.

IV. Prayer or Thought: By Invitation

Commissioner Dave Richards

V. Recuse for Conflict of Interest N/A

2. Consent Agenda:

I. 05.28.2024 Draft Minutes for Approval

Motion: Planning Commission Vice-Chair Richards moved to 05.28.2024 Draft Minutes for Approval. Commissioner Wilson made the second.

Discussion: N/A

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Wilson, Commissioner Broughton, Commissioner Smith. **Voting No:** None. The Motion Passed 5-0.

3. Action Items:

I. Old Mill Village - Site Plan (Planner Larsen - Engineer Horrocks Engineering)

Planner Larson explained this item and oriented the Commission to the location of the site. She stated the General Plan designation was south town and it was zoned C-2 Commercial, and explained the proposal was to transform it from a two-lot commercial subdivision into a twelve-unit mixed-use commercial development, with limited residential. She stated this was a request for site plan approval, and gave some history on the application.

Planner Larson said that this had previously been approved as a commercial development and added that it sat at 1.98 acres. She reported in February of that year, it had been reviewed by DRM and met general requirements, though Staff had identified some issues, which the applicant had since addressed.

Planner Larson discussed parking. She reported that the proposed project included 83 commercial parking spots and 24 residential parking spaces, for a total of 107. She said the applicant anticipated ample parking being available and explained the specific parking requirements were not currently known, since there were not yet specific commercial uses identified in the site plan.

Planner Larson also spoke about density. She said the apartments and townhomes in the plan exceeded the 8.86 ERUs which had previously been approved, and this amendments would increase the ERU by one ERU per acre.

Planner Larson addressed the Affordable Housing Plan and stated that the proposed amendment designated 13.7% of the overall project to be affordable housing, thus meeting the 10% affordable housing requirement.

Planner Larson summarized that Staff recommended approval of this plan and found it to be consistent with the General Plan, Municipal Code, and MDA. She added it was subject to all requirements of the City Engineer, Fire Department, Planning Commission and City Code, and Staff additionally needed verification of the Affordable Housing Plan for review and approval. Planner Larson then shared some of the drawings of the site plan and the lots in question, as well as the grading and photometric plan.

Applicant Kent Buie introduced himself and spoke about the project briefly. He reported leasing was moving forward and briefly discussed the history of the parcels. He said they wanted to have three stories in each building and have a total of twelve units. On the first and second floor, they hoped to have commercial and retail with residential on the third floor. Mr. Buie explained they did not want to be the long term owner of the buildings; their plan was to ultimately sell them off to individual users. He added they

were careful to be in compliance with all City and Fire Codes since they would allow the final users to determine the interior design of the buildings. Mr. Buie also noted some elements of their Affordable Housing Plan was somewhat up in the air since they did not yet know who the final user or renter of the buildings would be. He expressed they wanted to work with Staff to finalize the plan and work through some minor issues. Chairman Dennis Gunn asked about the market for a product like this, and commented it was a popular model. Mr. Buie agreed it was very popular and noted that the Commons and Quins Junction both had a similar models that had been successful and well-recieved by the community.

Alternate Commissioner Jami Hewlett asked Mr. Buie if he was the original builder on the project. Mr. Buie replied he was the master developer and owned all of the land, and had worked with the four-plex Investment Group (FIG) to get the entitlement.

Alternate Commissioner Hewlett asked for clarification about the original development that was zoned for commercial use and asked why Mr. Buie needed more density. Mr. Buie explained he was the representative of the land that he held which had not been transferred to FIG. He discussed how process had taken about three years since it was a relatively pioneering concept for a C-2 zone, which generally did not allow residential.

He explained how they had needed to create an MDA to allow for the residential additions. Alternate Commissioner Hewlett pointed out they already were exceeding the ERUs and felt the original recommendation of all commercial was a better concept.

She stated there were already a lot of residential areas in the valley, but not a lot of commercial. She worried about the increase to density.

Mr. Buie spoke about how commercial sales tax revenue was decreasing in the City and explained how adding residential spaces would make the development more viable. Mr. Buie said due to decreasing revenues, there were less business owners looking to rent out brick-and-mortar stores in the City. Alternate Commissioner Hewlett disagreed, and noted she herself was a business owner who was looking for a commercial space to rent. Mr. Buie acknowledged this point, though stated that his buildings were geared towards small businesses which was a harder sell. He also pointed out they were hoping to sell the entire building, meaning the new owner would need to find several businesses to rent out all of the spaces.

Alternate Commissioner Hewlett stated the area was not zoned for residential. Vice-Chairman Dave Richards explained that in a mixed-use zone, the bottom floors had to be commercial or retail spaces, and then residential units could go above them.

Chairman Gunn explained the reason it was brought before the Commission was because of the increase in density, not a change to the zone. Chairman Gunn elaborated that any change to an MDA meant that it needed to come back to the Planning Commission. Alternate Commissioner Hewlett asked for further clarification and she, Vice-Chairman Richards, and Chairman Gunn briefly discussed the applicant's request further.

Vice-Chairman Richards asked how many total units there would be and Mr. Buie said there would be one six units on each lot, with twelve total. Vice-Chairman Richards then asked for clarification about how the plan met the Affordable Housing Plan. Vice-Chairman Richards read from the plan, which stated there were 17 deed-restricted townhomes and eight deed-restricted apartments for affordable housing, and that the affordable housing units constituted 23 ERUs. Mr. Buie explained how he had

calculated that figure, and said the Affordable Housing Plan required them to have 15% affordable housing. Vice-Chairman Richards noted on their end, their document stipulated 10% must be affordable housing. Vice-Chairman Richards and Mr. Buie discussed this discrepancy. Vice-Chairman Richards said it was confusing to determine the affordable housing percentage at this point since the plan was not finalized and these numbers were estimates.

Vice-Chairman Richards discussed how he had proposed a similar development many years ago when he was a developer, and he had not been approved due to concerns over parking. He pointed out his plan had been less dense than this one and wondered what the distinction was between his plan and Mr. Buie's. He did agree it was a great concept and acknowledged the need for more housing in the area. He asked City Engineer Ross Hansen what Engineering's perspective about housing was in regard to this plan, and specifically wondered if Engineering felt they had enough parking. Alternate Commissioner Hewlett brought up concerns about traffic and school enrollment figures if they increased the density. She expressed her desire to protect the second-home owners who had property in Heber City. She thought people could live elsewhere, like Park City. She asked Mr. Buie if there could be multiple owners of a building and Mr. Buie said there could not be, it could only be one owner. Alternate Commissioner Hewlett then asked if the top floor would always be residential and Mr. Buie said the owner did not have to make the top residential, it was an option. Mr. Buie said they would comply with the Code as far as affordable housing went and confirmed that the floor plan was the same in every building.

Commissioner Tori Broughton asked about the terms for the low-income housing. Mr. Buie said it was based on a percentage of the average monthly income. Alternate Commissioner Hewlett asked how long was the affordable housing units were deed-restricted and Mr. Buie said each lot was the legal lot, and said it divided vertically, not per floor. Commissioner Hewlett asked for clarity if the owner of the affordable housing unit could then sell it at market value and Mr. Buie explained the unit would not be available to be sold individually, since the entire building was not able to be split up. Alternate Commissioner Hewlett asked how long that went on for and Mr. Buie said it would be affordable in perpetuity.

Commissioner Broughton asked about how deliveries for the commercial businesses would work and Mr. Buie indicated where their easements were located and elaborated on how the private roads in the development would connect to City roads. He reported they had just completed their Traffic Study, which had indicated their plan needed just minor adjustments. He added there were sufficient points of egress and ingress. Mr. Buie also noted the owners had a lot of planning flexibility and could add features like elevators and more points of access for their commercial tenants. He summarized this was essentially a shell design.

Vice-Chairman Richards asked if the Fire Department had reviewed this layout and City Engineer Hansen replied that they had, and had not identified any concerns. City Engineer Hansen made some comments about the Engineering review and reported that Engineering was comfortable with the project as long as their requirements were

met, which he noted was a condition of approval for the plan.

Vice-Chairman Richards clarified that this met the City Code and the intent of the Code. He pointed out the amendment added another ERU per acre. He said he was not clear on why they needed an extra ERU per acre at this stage, when it was still not clear what the affordable housing percentage would be. Vice-Chairman Richards summarized the findings and conditions which needed to be met, and opined there were no major changes that he thought needed to be made. He thought adding one more ERU per acre was acceptable, especially if it meant they could get smaller units that would better serve the community. Commissioner Broughton pointed out they were just approving the additional ERU, but it did not necessarily mean that each building would end up adding the extra ERU. Vice-Chairman Richards expressed that he was willing to move this item forward, and trusted the Staff's opinion if they were issuing a positive recommendation.

Chairman Gunn explained the process of how Planning Codes were approved and said those Codes governed the parameters for Staff and Engineering. He explained the Planning Commission made recommendations to City Council, who then approved or denied those recommendations. Chairman Gunn added it was Staff's job to determine that this project followed all City guidelines. He said regardless of if the ERUs changed or not, it would need to come before the Planning Commission and City Council for final approval of their design and layout. He explained the project needed to be re-vetted because they had proposed a change to the MDA, and noted projects like this could come before the Planning Commission several times before they were approved.

Commissioner Broughton asked if there was an open space requirement in the C-2 zone. Planner Larson replied there was a requirement in the MDA for open space, and reported that requirement had been met.

Motion: Planning Commission Vice-Chair Richards moved to approve the Old Mill Village Site Plan, subject to two findings and five conditions as identified by Staff. He highlighted condition number one, which was that both Staff and the City Attorney approve that the plan meet the MDA requirements. Commissioner Wilson made the second.

Discussion: N/A

Voting Yes: Chairman Gunn, Vice-Chairman Richards, Commissioner Wilson, and Commissioner Broughton.

Voting No: Alternate Commissioner Hewlett. The Motion Passed 4-1.

4. Work Meeting: N/A

5. Administrative Items: N/A

I. City Council Communication Item

6. Adjournment:

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

Discussion: N/A

Voting Yes: Commissioner Gunn, Planning Commission Vice-Chair Richards, Commissioner Wilson, Commissioner Broughton, Commissioner Smith. **Voting No:** None. The Motion Passed 5-0.

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant