

**HEBER CITY CORPORATION  
75 North Main Street  
Heber City, UT 84032  
Planning Commission Meeting**

**January 9, 2024**

**6:00 p.m. – Regular Meeting**

-Time and Order of Items are approximate and may be changed as Time Permits-

Public notice is hereby given that the monthly meeting of the Heber City Planning Commission will be in the Heber City Office Building, 75 North Main, South door, in the Council Chambers upstairs.

**1. Regular Meeting:**

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance: By Invitation
- IV. Recuse for Conflict of Interest

**2. Consent Agenda:**

- I. November 14, 2023, and December 12, 2023, Minutes for Approval

**3. Action Items:**

- I. Permitted Uses in the Business and Manufacturing Park (BMP) Zone

**4. Work Meeting:**

**5. Administrative Items:**

**6. Adjournment:**

Ordinance 2006-05 allows Commission Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Meshelle Kijanen at the Heber City Offices at 435.657.7898 at least eight hours prior to the meeting.

Posted on 01.04.2023, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at [www.heberut.gov](http://www.heberut.gov), and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice also provided to required entities in area Municipalities



# Planning Commission Staff Report

**MEETING DATE:** 1/9/2024  
**SUBJECT:** November 14, 2023, and December 12, 2023, Minutes for Approval  
**RESPONSIBLE:**  
**DEPARTMENT:** Planning  
**STRATEGIC RELEVANCE:**

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## SUMMARY

## RECOMMENDATION

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## BACKGROUND

## DISCUSSION

## FISCAL IMPACT

## CONCLUSION

## ALTERNATIVES

**Staff Recommended Option - Approval**

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I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

### **Alternative 2 - Continuance**

I move to **continue the item** to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### **Alternative 3 - DENIAL**

I move to **deny the item** with the following findings.

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## **POTENTIAL MOTIONS**

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## **ACCOUNTABILITY**

**Department:** Planning

**Staff member:**

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## **EXHIBITS**

1. 11.14.2023 Draft Minutes for Approval
2. 12.12.2023 Draft Minutes for Approval

1 HEBER CITY CORPORATION  
2 75 North Main Street  
3 Heber City, UT 84032  
4 Heber City Council Meeting  
5 November 14, 2023

6 **DRAFT Minutes**

7 **6:00 p.m. – Regular Meeting**

8 **1. Regular Meeting:**

9 I. Call to Order

10 Chairman Gunn called the Planning Commission Meeting to order at 6:07 PM.=  
11 and welcomed everyone present.

12 II. Roll Call

13 **Planning Commission Present:**

14 Chairman Dennis Gunn Vice-  
15 Chairman Dave Richards  
16 Commissioner Phil Jordan  
17 Commissioner Sid Ostergaard  
18 Commissioner Oscar  
19 Covarrubias  
20 Commissioner Robert Wilson

21 **Planning Commission Absent:**

22 Commissioner Josh Knight  
23 Commissioner Darek  
24 Slagowski

25 **Staff Present:**

26 Planning Director Tony Kohler  
27 Planning Manager Jamie  
28 Baron  
29 Planner Jacob Roberts  
30 Planning Office Admin Meshelle Kijanen  
31 Consultant GCGarcia

32 **Staff Participating Remotely:**

33 Consultant John Janson  
34 Commissioner Oscar  
35 Covarrubias

36 **Also Present: Participants from the Highlands project, no sign-ins.**

**Also Attending Remotely:**

III. Pledge of Allegiance: By Invitation

Commissioner Dave Richards led the recitation of the Pledge of Allegiance.

1  
2 IV. Recuse for Conflict of Interest.

3 Commissioner Ostergaard recused himself from Action Item one.

4  
5 **2. Consent Agenda:**

6 I. 10.10.2023 Minutes Draft for Approval

7 **Motion:** Commissioner Phil Jordan moved to approve the items on the Consent  
8 Agenda. Commissioner Sid Ostergaard made the second.

9 **Discussion: N/A**

10 **Voting Yes:** Commissioner Covarrubias, Commissioner Richards, Commissioner  
11 Jordan, Commissioner Ostergaard, and Commissioner Wilson.

12 **Voting No:** None. The Motion Passed 5-0.

13  
14 **3. Action Items:**

15 I. Design Guideline Amendment to Highlands MDA (Woodbury)

16 Planner Woodbury briefly explained the Agenda Item and introduced the applicant, who  
17 she said would be providing updates to the MDA which had been established since their  
18 last meeting.

19 Commissioner Richards asked a question about the conditions and clarified there were  
20 ten items to be changed. Planner Woodbury confirmed that was correct and  
21 Commissioner Richards noted their packet indicated 13 items. Planner Woodbury  
22 clarified three items had been found to be in accordance with the Code, so there were  
23 only ten items which needed to be changed.

24 Adam Loser introduced himself as the applicant and proposed an amendment to the  
25 original MDA, which he said was based on the recommendations they had received  
26 from the Planning Commission as well as a work session they had held with the City  
27 Council. He expressed the City Council was on board with the current plan. Mr. Loser  
28 identified some of the major changes they had made to the wording of the MDA to  
29 ensure better clarity. Namely, Mr. Loser said Staff had requested for there to be 360  
30 degree architecture to make sure there would be no blank walls. Commissioner Jordan  
31 clarified the language that Mr. Loser would be using in the presentation was the  
32 language that would be used in the MDA and Mr. Loser confirmed he would be using  
33 the updated language that evening.

34  
35 Another applicant, identified as Greg, explained Article 3 which pertained to building  
36 standards. He noted the Code required there be no repetition of architecture along a  
37 400-foot block face, and asked for this to be changed to 120 feet for lot sizes that were  
38 less than a quarter acre in size. He agreed they were concerned about repetition, but  
39 noted their lot sizes were much smaller than normal. Planner Kohler interjected to

1 explain that this change made sense given the size and spacing of the lots. Planner  
2 Kohler explained that the 400-foot requirement was geared more towards larger lots.

3

4 Mr. Loser next discussed building height variations and asked for the requirements to  
5 be amended to consider elevation changes. He shared images which showed how the  
6 buildings were built on a slope, so although the individual buildings were different  
7 heights, they would all reach the same elevation overall. He further asked for an  
8 exception to be made for Section 3.6 which required no more than three of every five  
9 buildings to front a courtyard, and explained that would not be feasible due to limited  
10 space and the fact that their plan was not a linear layout. He requested for more than  
11 three buildings to be allowed to front a courtyard.

12

13 Mr. Loser then addressed that the Code had a 50 square foot minimum for a covered  
14 porch, and asked for an exception since he felt their architecture was better suited to a  
15 smaller porch area. He shared images of blueprints which showed plans for a 35  
16 square foot covered porch on individual units, although they also had a 200 square foot  
17 communal enclosed courtyard. He noted that there would be variance in porch sizes  
18 between different units. Mr. Loser also proposed that the primary pedestrian area be  
19 the courtyard rather than the street. He acknowledged there were guidelines in the  
20 Code which specified that townhomes which faced shared green space were supposed  
21 to have three-sided architecture with wrapped porches, but proposed corner units be  
22 allowed to have window architecture rather than porches.

23

24 Mr. Loser moved into street facade requirements. He first requested that an exception  
25 be made to the 360 degree architecture. He noted the intent of this requirement was to  
26 avoid blank walls, and said the development did not have any blank walls. Mr. Loser  
27 noted that the North Village Overlay Zone, where the development was located, was  
28 intended to have a more rural aesthetic. Planner Kohler elaborated further and said that  
29 the requirement of property line coverage to the street was an urban design principle,  
30 intended to ensure that there was something interesting for pedestrians to look at when  
31 walking and inspire a more urban feel. He said making this exception would then be  
32 conducive to a more rural feel and reduce the amount of retaining walls. Mr. Loser said  
33 the Code was very urban and wanted the buildings to be right along the street, and  
34 asked for an additional ten feet of frontage, which also would help the rural feel and be  
35 more accommodating to ADA ramps.

36

37 Mr. Loser also asked for relief on some of the architectural guidelines imposed by the  
38 Code since they were on a hill, and discussed the challenges of meeting the Code  
39 requirements on an incline. Planner Kohler spoke to this point and provided insight on  
40 the functionality of snout garages. He noted this layout created challenges for plowing,  
41 safety, and street parking, and so the best solution was to do rear-yard garages for  
42 narrow lots rather than snout garages. However, Planner Kohler said the topography  
43 made it difficult to do a rear-yard garage for this development, and it also made it harder  
44 to delineate between a single-family home and a townhome. Planner Kohler said  
45 single-family homes wanted to have a private backyard, which would not be possible

1 with a rear-yard garage. Planner Kohler extrapolated on some of the ways to minimize  
2 a snout garage with architecture, and said maintenance of streets for narrow lots would  
3 also alleviate some of the issues caused by snout garages. Planner Kohler further  
4 opined that the HOA should be responsible for street maintenance rather than the City,  
5 and emphasized if the streets were not private then he no longer supported the plan.

6 Mr. Kohler shared some images of snout garages and explained why they were not  
7 architecturally desirable. He explained the current Code requirements as well, and said  
8 DR Horton had noted the Code layouts were not the most efficient use of space. Mr.  
9 Kohler discussed that he had toured other DR Horton developments in other parts of  
10 Utah and had been impressed by what he had seen. He shared images of some DR  
11 Horton designs that minimize the dominance of the garage, and expressed that he  
12 thought they were aesthetically pleasing, although not in line with Code requirements.  
13 He shared more renderings of what the housing designs could look like, and also noted  
14 that all the homes on a given street would be distinct from one another.

15

16 Mr. Loser then addressed the maximum block perimeter, which was intended to  
17 facilitate pedestrian traffic. He said this would apply to their stacked flats and asked to  
18 have this accommodated to be more than 20% due to the topography of the site. He  
19 indicated how this would be accommodated on the site plan, and explained that  
20 pedestrian access points, rather than streets, would break up the buildings. He reported  
21 that City Staff had been supportive of this request.

22

23 Mr. Loser lastly noted that they would flip the houses so that the driveways would  
24 alternate sides, and they would also offset the houses by several feet so that the homes  
25 were not set in a row. Planner Kohler noted that the Code required this kind of variation.

26

27 Commissioner Jordan referenced the earlier slides which addressed the wrap around  
28 porches. He discussed that as he drove around town he noted that many faces of city  
29 blocks had stucco on top of the buildings, and he thought this did not portray any  
30 character. He asked how things would look on the street side, and asked if the buildings  
31 would be solid surfaces. Mr. Loser said there would be wrap around architecture with  
32 pop-out features on the ends. He elaborated that although the porches would not pop  
33 out, there would be other features so that the wall of the building was not flat on the end.  
34 Commissioner Jordan thought this would add more interest and variation, and clarified  
35 there would be a visible living space. Commissioner Jordan also pointed out that people  
36 typically owned multiple cars and anticipated that the driveways would be packed with  
37 cars. He wondered if it would be better to make the driveways shorter so people could  
38 not get multiple cars on the driveway, or better to make them longer in order to  
39 accommodate multiple vehicles. Mr. Loser noted that in this development, all the  
40 houses had double, not single garages, which allowed for tandem parking as well as  
41 specific parking stalls for guest parking. Mr. Loser also noted that the driveways all  
42 opened to private streets, so parking would be something for the HOA to deal with. He  
43 added they even restricted storage space in the driveway and mandated that at least  
44 one car be parked within the garage to avoid the issue that Commissioner Jordan was  
45 describing.

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Commissioner Wilson asked what the rationale for not having wrap around porches was. Mr. Loser discussed it posed challenges to pipes that were on the outside of the building and were also more costly. Commissioner Wilson pointed out the corner units could also be sold for more since they were more desirable units. Mr. Loser commented that in his experience the wrap-around porches were not worth it. Chairman Gunn said while in theory they were a great idea, they often were impractical and could be an eyesore when not properly maintained.

Commissioner Wilson also made clarifying comments about amending the 400 foot repetition requirement to 120 feet, and Mr. Loser explained they had imposed additional requirements on themselves to include at least six different architectural styles within a 120-foot area, and he explained how these would be staggered. He also noted they had over 12 layouts, with about 20 different color schemes, so there would be plenty of variation on a given street.

Commissioner Wilson commented many people in Heber tended to use their garages for storage rather than their cars and cautioned this was likely to be an issue in this development. Mr. Loser commented their architect was working off of Planner Kohler's recommendations about how to mitigate the negative effects of snout nose garages. Mr. Loser also noted they were considering side loading garages, although they were concerned about people hitting the side fence as they pulled out of the driveway.

Mr. Loser stated the developer would install all the landscaping, and said the HOA would not allow for things like ADUs, sheds, and grills, to be left on the front lawn and fences. In response to a question, Mr. Loser added they would not allow private fences in the front yard, and since there were no backyards people would not have fences behind the homes either. Commissioner Ostergaard discussed how many people did not properly maintain their backyards and there was nothing the HOAs could do about it.

Planner Kohler stated that not all of his requests were included in the amended MDA and he asked the Planning Commission to include all nine of his recommendations and requests into the new MDA. Mr. Loser said this was agreeable to him, and reported that the development legal team had already reviewed Planner Kohler's recommendations and were willing to have all those items added to the MDA.

Commissioner Richards circled back to the comments about the need to have the roads be private. He asked if it was a possibility that the roads would not be private, and he concurred with Planner Kohler in that it was paramount that the roads and alleys all be private. He discussed the challenges that would come with the roads being public. Commissioner Richards thought they were heading in a good direction and thought the application looked good in terms of architecture and density, and expressed that he liked DR Horton's development plans. Commissioner Richards reiterated it was important to stipulate in the MDA that all roads be private and that the HOA was responsible for maintaining them, rather than the City. Planner Kohler said



1 this was important to him as well and said he had included stipulations about private  
2 roads in his list of recommendations.

3 Commissioner Covarrubias clarified that the open space was all private as well, to  
4 which Mr. Loser replied the greenways shown on the exhibit as well as the space in  
5 between the homes would all be private, although in the overall development there  
6 were some City parks and some trails with public access. Planner Kohler elaborated  
7 on this and indicated where on the map the public spaces would be situated. He noted  
8 there were also some pocket parks that were private, including a pickleball court and a  
9 clubhouse. Planner Kohler stated the HOA would control and maintain the private  
10 green spaces and parks. Commissioner Covarrubias thought there might be some  
11 confusion about what was public and private, and thought some residents might go to  
12 the private parks by accident, and then the City would not be able to manage that.  
13 Planner Kohler used the map to show where the private versus public roads were  
14 located throughout the development. Commissioner Covarrubias also asked about  
15 parking and Planner Kohler replied they had a 72 hour parking limit, as well as parking  
16 ordinances which required people to move their cars off the street during snowfall so  
17 the plows could get through.

18 Commissioner Ostergaard asked why the City controlled a park that was located in the  
19 center of the development and Planner Kohler explained it had to do with the City's  
20 desire for a storm water system. He said they had amended the MDA through a  
21 process that did not involve the City Council, and he said the concept was for the town  
22 center to have a public gathering area with park amenities. Planner Kohler elaborated  
23 there would be a trail and some water features, and said while the area was not yet  
24 fully designed, the concept was to allow for things like farmers markets or food trucks.  
25 Planner Kohler said it was harder to offer amenities like that to the public if the land was  
26 private, and he explained it would be funded with impact fees.

27 **Motion:** Commissioner Jordan motioned to approve the amendment to the  
28 Highland MDA, with the addition of the requests and recommendations as stated  
29 by Planner Kohler and City Staff. He further strongly suggested that all roads, with  
30 the exception of the indicated public roads, be made private, and that Staff  
31 suggestions in regard to the snout garages be incorporated to the MDA.

32 Commissioner Richards asked a question about the legal process to which Planner  
33 Kohler explained the developer's engineers would need to reflect the changes to the  
34 MDA in their updated blueprints.

35

36 Commissioner Covarrubias seconded the motion.

37 **Voting Yes:** Commissioner Covarrubias, Commissioner Richards, Commissioner  
38 Jordan, Commissioner Ostergaard, and Commissioner Wilson.

39 **Voting No:** None. The Motion Passed 5-0.

40 Commissioner Gunn thanked the applicant for their willingness to adjust their  
41 plans and work with the Planning Commission and the City Council, and he

1 opined this collaboration would yield a better project in the long run.

2 II. Wasatch County Event Center grounds MDA, continued from October 24<sup>th</sup>  
3 (Kohler)

4 **There were technical difficulties and the beginning portion of this conversation**  
5 **was unable to be recorded.**

6 The Planning Commission discussed the public hearing they had held on October 24<sup>th</sup>  
7 in regards to this issue. Commissioner Jordan recalled that many residents had  
8 expressed concerns about noise as well as a lack of safe crossing areas for  
9 pedestrians. Commissioner Jordan also noted the County was going to provide more  
10 generators for the RVs for the coming year. Chairman Gunn spoke about dust control,  
11 and opined the County should be responsible for dust control as it was an air quality  
12 issue. Commissioner Ostergaard summarized they essentially had an interlocal  
13 agreement between Heber and the County and said they needed to make sure the  
14 residents who lived in the vicinity of the event center were not uncomfortable.

15  
16 Planning Director Tony Kohler shared that the Council had also discussed this item in a  
17 work session. He reported although they had not had an in depth discussion, they were  
18 aware of the issue and the timeline.

19  
20 Commissioner Jordan moved forward a recommendation for the Wasatch County Event  
21 Center Grounds MDA as reviewed in public meeting, with the condition that the County  
22 and the City staff work together to resolve the discussed issues as well as the six  
23 conditions identified by City Staff.

24  
25 **Voting Yes:** Commissioner Richards, Commissioner Jordan, Commissioner  
26 Ostergaard, Commissioner Wilson. The motion was carried unanimously.

27  
28 III. Ordinance 2023-41 approving an amendment to the General Plan to include  
29 the Central Heber Vision, continued from October 24 (Janson, Kohler)

30 Planner Janson explained this Agenda Item. He said the General Plan needed to  
31 reflect the Central Heber Vision plans which had been approved the year prior. He  
32 explained there were some inconsistencies between the two documents, so this  
33 would fix those discrepancies and ensure there were no contradictions.

34  
35 Commissioner Ostergaard clarified this did not include discussion of the C-3 zone and  
36 Planner Janson said this amendment was just intended to ensure that the General Plan  
37 and the Central Heber Vision Plan were cohesive, and he stated they were not making  
38 any changes or updates other than that. Planner Janson said the Central Heber Vision  
39 Plan had already been approved by the Council and Planning Commission.

40  
41 Commissioner Jordan asked about definitions and future land uses as written in the  
42 updates, and asked if there were any new definitions. Planner Janson clarified there  
43 was nothing new, although they were updating the future land use map in the General

1 Plan to match the language used in the Central Heber Vision document. Planner  
2 Janson discussed that Central Heber Vision did suggest some updates to the General  
3 Plan, which would be a separate item to discuss. He said this amendment was only  
4 intended to make sure both documents used the same language and were consistent.

5  
6 Chairman Gunn thanked Planner Janson and called for a motion and vote.

7  
8 Commissioner Jordan moved to recommend the adoption of the amendment to the  
9 General Plan to include the Central Heber Vision. Commissioner Ostergaard seconded  
10 the motion. All voted aye and the motion carried unanimously.

11  
12 IV. Ordinance 20-23-39 adopting update to the C-3 Zone/Parking regulations in the  
13 C-3 Zone, continued from October 24 (Janson, Kohler)

14  
15 Planner Janson explained this item as well and refreshed the Planning Commission on  
16 their discussion from the October 24th meeting. He said the question was primarily if  
17 they wanted to not require parking stalls for businesses in the C-3 zone, and limit  
18 residential parking to one stall per unit.

19 Planner Janson briefly overviewed some ways to fund the construction of parking  
20 garages, including tax increments or sales tax bonds. He pointed out if they wanted to  
21 do tax increments they would need to get new developments to come into Heber, and if  
22 they wanted to fund it with sales tax they would need to charge a fee to use the garage.  
23 Planner Janson said another option could be to set up a special parking district, though  
24 he noted he would have to do more research to see if that would be viable in Heber.  
25 Planner Janson clarified that the Commission would have to solve for the funding  
26 question in a separate discussion.

27  
28 Planner Janson also reported he had changed some of the language about materials to  
29 be more flexible. He explained the definition of “visible facade” meant if the facade was  
30 visible from the right of way, and listed the materials which were permitted for visible  
31 facades. He noted there were more options for materials on the upper floors of  
32 buildings, where it would not be visible from the street. Commissioner Richards made  
33 some comments about ways to construct an edifice that appeared to be historic and  
34 maintained a certain look while still using cheaper materials. Commissioner Richards  
35 thought they should give the Staff more jurisdiction to approve building materials.  
36 Commissioner Richards pointed out they should give people more lateral movement  
37 when designing homes since architectural styles changed over time. Planner Kohler  
38 brought up a conversation the City Council had recently held in regard to stucco, and  
39 said based on that discussion he and Planner Janson proposed that stucco only be  
40 allowed on upper stories. Commissioner Richards reiterated he just wanted to give  
41 developers more leeway.

42  
43 Planner Janson said they wanted to address architecture in the C-3 zone to have a  
44 historic character, so there would not be modern buildings in that zone. He explained  
45 the general concept was to have retail spaces on the ground floor with residential on

1 upper floors along the main street, and so they gave more leeway for materials on the  
2 upper residential floors, although they had more strict guidelines for materials on the  
3 ground floor in order to encourage the historic feel. Commissioner Richards clarified he  
4 did not want to re-imagine the overall vision and expressed he was in favor of the  
5 historic aesthetic, and explained he just wanted to make sure developers had a little bit  
6 of flexibility with materials, subject to Staff approval. Commissioner Covarrubias  
7 expressed he agreed with Commissioner Richard's view.

8

9 Commissioner Covarrubias asked about "authentic materials" and confirmed this meant  
10 real stone. Planner Janson replied it meant all natural products, and fake stones or  
11 manmade materials were not allowed. Planner Janson said they mainly wanted to see  
12 brick, stone, and rock on the ground floors. Commissioner Covarrubias expressed he  
13 was in favor of that, although he echoed Commissioner Richard's comments that they  
14 should be more flexible for the upper floors. Commissioner Covarrubias thought stucco  
15 was a great product. Commissioner Covarrubias also clarified he wanted to keep the  
16 historic character of the buildings.

17

18 Planner Janson then spoke about the idea of chain stores, and said they were  
19 considering not allowing chain stores and encouraging mom and pop shops. He  
20 discussed he had visited Midway in Park City, and said they were now allowing chain  
21 stores and even international firms on their Main Street. Planner Janson thought this  
22 issue was something they should circle back to once they had some development  
23 going, and said they would need to come up with a definition of chain store. Planner  
24 Janson pointed out they needed to consider if they wanted to allow local chains,  
25 national chains, or none at all. He recommended that they skip this for now and return  
26 to it once they had some stores moved in. Commissioner Ostergaard spoke about  
27 Bozeman Montana, and said he had seen an Ace Hardware move into their historic  
28 downtown recently. Commissioner Ostergaard said if they allowed national chains to  
29 move in they would have to maintain the architectural standards of the downtown area  
30 to keep the historic character. Chairman Gunn noted there were some brands who  
31 refused to compromise their architecture standards, although there were many  
32 companies who were willing to conform to the standards of the zone.

33

34 Commissioner Jordan thought they should make a decision on this item now. He said  
35 the right brands would come in who were willing to maintain the historic character of the  
36 street, and pointed out they needed economic development and should not limit stores  
37 from coming into the area. Chairman Gunn agreed and reiterated there were many  
38 companies who would conform to the standards. Planner Janson confirmed that any  
39 business moving to the area would have to comply with the architectural guidelines.

40

41 Commissioner Ostergaard requested that Planner Janson remind the Council of what  
42 commercial services were not permitted in the C-3 zone when he presented this to the  
43 Council and Panner Janson said that he would do so.

44

1 Commissioner Covarrubias said alleyways would be in the C-3 zone and Planner  
2 Janson said that was correct, and noted the C-3 zone was not very big. Commissioner  
3 Covarrubias cautioned that the zone might be a bit stark if there was no landscaping.  
4 Planner Janson agreed, although reminded the Commission that alleyways and  
5 landscaping were different conversations than the zoning. Commissioner Covarrubias  
6 acknowledged this point, though noted it was important to think of the future and  
7 consider how the overall project would look. Planner Janson said alleyways and  
8 passageways would be discretionary to the City Council.

9

10 Planner Janson expressed hope that they could get this item to the City Council for their  
11 December 7th meeting, and discussed he wanted to get this approved before the new  
12 Council members joined the Council, since the introduction of new members tended to  
13 slow processes like this down.

14 Commissioner Ostergaard motioned to approve Ordinance 20-23-39 for C-3  
15 regulations and alternate two on the parking. He also motioned to delete the section  
16 about chain store regulations.

17 All voted aye and the motion carried unanimously.

18 **4. Work Meeting:**

19 I. Discussion amongst Planning Commissioners to consider placing an Agenda  
20 Action Item for big picture items such as Parking on Main Street, Parking  
21 Structures, etc, and to discuss a joint meeting with the City Council.

22

23 Commissioner Jordan reported he had learned that CRA zoning was not supported by  
24 the school district and the County. Chairman Gunn said he had heard the same thing  
25 about the County. Commissioner Ostergaard commented that he thought the school  
26 district wanted to wait until the election before making a decision, and said this was a  
27 big concern to the County.

28

29 Planner Kohler provided some context, and said the direction he had received from the  
30 City Manager was for the Planning Commission to give their feedback and comments to  
31 the Councilmembers before the City Council went on their annual retreat in late January.  
32 He asked what kind of feedback the Planning Commission wanted to give the City  
33 Council at their work meeting. Commissioner Jordan asked if the Council was not in  
34 favor of parking structures, and Planner Kohler said it was his understanding that the  
35 Council did not feel the downtown area necessitated a parking garage yet.  
36 Commissioner Jordan discussed the trip that he and some other Commissioners had  
37 gone on to explore parking solutions in other cities earlier that year, and expressed he  
38 did not want their findings from that trip to go by the wayside. The Commissioners had  
39 a short conversation about street parking options in the downtown area, and discussed  
40 the pros and cons of angled parking as well as possible sites for a surface parking lot in  
41 the downtown area.

42

1 Commissioner Jordan said item number one was the recommendation for no parking in  
2 the C-3 zone, and said he did not want to consider this a done deal just because the  
3 Planning Commission had just voted on it. Planner Kohler said he hoped to get this  
4 passed in the upcoming Council meeting, and if not at the next one he hoped it could  
5 get passed at the December 19th meeting. Planner Kohler stated it was on the next  
6 meeting's agenda as a work item with the possibility of it being an action item.

7

8 Commissioner Wilson asked if putting parking as the number one priority was a bit “cart  
9 before the horse” since they did not have businesses in the downtown area yet.  
10 Planner Kohler explained they were going to generate demand for businesses  
11 downtown by holding special events in the area, and to do that they needed to have  
12 sufficient parking. Commissioner Covarrubias also pointed out having ample parking  
13 was attractive to developers to come downtown. Commissioner Wilson thought the  
14 developers should share in the cost of parking and Commissioner Ostergaard agreed  
15 they could, although the City still needed to plan for parking. Commissioner Ostergaard  
16 also elaborated that ideally, he would like to have a walkable downtown that would not  
17 require cars, although he knew this would be far in the future.

18

19 Commissioner Jordan said they should discuss Envision Heber and decide what items  
20 were actionable in 2024. Commissioner Richards said he did not want to discuss  
21 anything where they were just going to “spin their wheels,” he wanted to ensure they  
22 focused on items that would actually get some traction. Commissioner Richards thought  
23 they should start with the lowest hanging fruit, which he thought was parking. Chairman  
24 Gunn agreed this was important to consider, and noted the west side of town was going  
25 to be torn up and have the roads repaved in the near future and thought that could be  
26 an opportunity to address some of their parking issues. The Commissioners  
27 acknowledged that a parking structure was quite a way down the road, but there were  
28 other parking concerns they needed to address now. Commissioner Richards said they  
29 needed to identify areas where they wanted to add street parking on the west side of  
30 town and put curb and gutter in when the streets were redone. Chairman Gunn said  
31 they needed to find some grants to do those things.

32

33 Commissioner Covarrubias commented he used to live in Colorado and his town had a  
34 large parking garage with trails that lead directly to offices, so people could park their  
35 cars and then have a clear path to walk to work. He said another option would be an  
36 eclectic train downtown, though noted that was a long-term solution.

37

38 Planner Kohler summarized the list of items the Commissioners wanted to discuss with  
39 the Council. He agreed that addressing parking was important, especially since they  
40 wanted to hold special events downtown and incentivize people to go downtown.  
41 Planner Kohler discussed they were competing with malls and large shopping centers,  
42 so they really needed to do something unique downtown in order to attract people to the  
43 area. Commissioner Jordan commented how he and his family went to other city's  
44 downtown areas since there was currently nothing in Heber. The Commissioners also  
45 had a short conversation about the dearth of public transit leading to the downtown

1 area.  
2 Planner Kohler made some comments about the bypass. Commissioner Ostergaard  
3 opined it was important to put the necessary money into the bypass now so that they did  
4 it in a way that would have longevity, and Chairman Gunn echoed those comments.  
5 Planner Kohler commented the high school would also likely draw development over  
6 towards the bypass. Commissioner Jordan commented there were two roundabouts  
7 right by the high school, and one of the roundabouts was the entry for the bypass. The  
8 Commissioners discussed this. Commissioner Jordan also noted that UDOT would  
9 require Heber City to contribute some funds for the bypass. Planner Kohler commented  
10 the Council were in favor of roundabouts. Chairman Gunn said they had been talking  
11 about this bypass for many years, and were anticipated to begin construction in about  
12 seven years. The Commissioners expressed concerns about the construction and  
13 referenced some bypasses in other parts of Utah which were poorly designed.  
14 Commissioner Richards expressed he was not in favor of a roundabout and thought it  
15 should be an overpass instead.

16

17 Commissioner Jordan asked for Night Sky ordinances to be added to the list.

18

19 **5. Administrative Items:**

20 **6. Adjournment: Commissioner Covarrubias motioned to adjourn. The motion**  
21 **was carried unanimously.**

22

23

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Meshelle Kijanen, Administrative Assistant

DRAFT



1 HEBER CITY CORPORATION  
2 75 North Main Street  
3 Heber City, UT 84032  
4 Heber City Council Meeting  
5 December 12, 2023

6 **DRAFT Minutes**

7 **6:00 p.m. – Regular Meeting**

8 **1. Regular Meeting:**

9 I. Call to Order

10 Chairman Gunn called the Planning Commission Meeting to order at 6:11 p.m. and  
11 welcomed everyone present.

12 II. Roll Call

13 **Planning Commission Present:** Chairman Dennis Gunn

14 Vice-Chairman Dave Richards

15 Commissioner Phil Jordan

16 Commissioner Josh Knight

17 Commissioner Sid Ostergaard

18 Commissioner Darek Slagowski

19 Commissioner Robert Wilson

20 **Planning Commission Absent:** Commissioner Oscar Covarrubias

21 **Staff Present:** Planning Manager Jamie Baron

22 Planner Jacob Roberts

23 Planning Office Admin Meshelle Kijanen

24 Consultant Landmark Design Inc.

25 Consultant GCGarcia

26 **Also Present:** Paul Berg and Cal Johnson

27 **Staff Participating Remotely:** Consultant Landmark Design Inc. (Aubrey Larsen)

28 Consultant GCGarcia (Denna Woodbury)

29 **Also Attending Remotely:** Planning Commissioner Darek Slawgowski

30  
31 **Pledge of Allegiance:**

32 Planning Commissioner Phil Jordan led the recitation of the pledge of allegiance.

33 **IV. Recuse for Conflict of Interest:**

1 Commissioner Ostergaard indicated Action Item two and disclosed that  
2 Karl Malone was a former client of his, but was not currently a client. He  
3 did not recuse himself from the Action Item.  
4

5 **2. Consent Agenda:**

6 I. 10.24.2023 Minutes for Approval

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

9 **Discussion:** N/A

10 **Voting Yes:** Chairman Gunn, Vice-Chair Richards, Commissioner Slagowski,  
11 Commissioner Knight, Commissioner Jordan, Commissioner Ostergaard, and  
12 Commissioner Wilson.

13 **Voting No:** None. The Motion Passed 7-0.

14

15 **3. Action Items:**

16 I. Request for a Site Plan and CUP approval for American Eagle Ready Mix Concrete Batch  
17 Plant #3 (Planner Larsen/Engineer Miner)

18 Planner Aubrey Larsen from Landmark Design LLC presented the item. Planner Larson  
19 reported the site plan was located at 2211 South Airport Road and was a concrete batch  
20 plant for the American Eagle Ready Mix Company. She indicated the site was one unit  
21 and 5.01 acres, and that the current use was industrial. She further reported the  
22 adjacent uses, which were agricultural and industrial. She shared images of the airport  
23 overlay zone, and noted the site was within the airport overlay zone as well as the I-2  
24 industrial zone.

25

26 Planner Larson gave some history on the item, and noted the applicant had applied for  
27 a conditional use permit since the proposed building height exceeded the requirements  
28 for the I-2 zone. She reported the site had been found to overall meet requirements,  
29 and she said the Staff requirements and comments which had been made at the time of  
30 DRM had since been met by the applicant. Planner Larson said that corrections  
31 required by the Engineering Department had also been met.

32

33 Planner Larson expressed that the building height did meet requirements for the airport  
34 overlay zone, and as such a “determination to no hazard to air travel” letter had been  
35 issued by the FAA. Due to this, she said lighting and marking were not required, but  
36 could be requested by Staff. Planner Larson summarized that the plan met the  
37 Municipal Zoning Code as well as the General Code requirements, and was subject to  
38 the conditions set forth by Staff, Engineering, and the Planning Commission. Planner  
39 Larson then shared images of the site plan and landscaping plan.

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Chairman Gunn asked the applicant, Mr. Berg stepped forward and asked the Planning Commission if they had questions for him. Commissioner Ostergaard noted that the letter from the FAA had expired and asked what the process was to have that renewed. Planner Jamie Baron replied that this was not an impediment to the construction process, since it was usually a fast process from the FAA to get a renewal letter. Mr. Berg echoed these comments and noted that he had already reapplied and was now waiting on the letter.

**Motion:** Vice Chairman Richards moved to approve the items on the Consent Agenda. Commissioner Slagowski made the second.

**Discussion:** N/A

**Voting Yes:** Commissioners Gunn, Richards, Jordan, Knight, Ostergaard, Slagowski, Wilson.

**Voting No:** none. The Motion Passed 7-0.

II. Request for a Site Plan approval for Karl Malone Honda Site Plan Amendment located at 315 North Main Street. (Planner Woodbury/Engineer Miner)

Planner Denna Woodbury explained the Agenda Item. She said Karl Malone had received final approval for their building and site in February of 2021, which included the entire site except for the corner location where the original building had been situated. She explained there had been an agreement made at the time which stated once the original building was demolished that Karl Malone could come back to the Planning Commission to have the corner parcel included in their site. Planner Woodbury expressed the building had been demolished and so this was the site amendment to have the corner parcel added. Planner Woodbury explained Karl Malone would add more parking stalls in the area where the building had stood, as well as landscaping and a monument sign. She clarified the monument sign would go through a separate approval process. She reported that Staff had reviewed this plan and recommended approval.

Commissioner Ostergaard pointed out that the proposed plans had already been constructed. Planner Baron clarified that the dealership had already done some of the paving for the parking lot in attempts to get ahead of the snow and mud, with plans to complete the project in the spring once they had final approvals. Planner Baron said that Karl Malone had been aware that they did not have approval at the time they had begun landscaping, and had done so in attempts to avoid having to plow mud once the snow melted in the spring. Commissioner Ostergaard commented this might set a precedent of having construction projects be completed before receiving proper approval, and Planner Baron noted that Karl Malone was aware they would have to make changes if their plans were not approved. Planner Baron also clarified they had not done any public improvements, and said they did not have any plans to fix the curb, sidewalks, and gutters until the spring.

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Cal Johnson of Legend Engineering introduced himself as speaking on behalf of the applicant and asked if there were any questions for him. Commissioner Richards clarified that everything met the Code, and expressed he did not have an issue with Karl Malone attempting to mitigate effects from winter weather. Commissioner Richards thought they could move forward, since the changes that Karl Malone had made were in compliance with the plan as well as the City Code. Planner Baron noted there was also a difference between making changes to the private curb and touching public utility connections, and clarified Karl Malone would not make changes to the public side of the property until they had approval.

**Motion:** Commissioner Jordan moved to Request for Site Plan approval for Karl Malone Honda Site Plan Amendment located at 315 North Main Street. Commissioner Knight made the second.

**Discussion:** N/A

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

**Voting No:** None. The Motion Passed 7-0.

**4. Work Meeting:** N/A

**5. Administrative Items:**

I. New Planning Commissioners and Alternates process

Planner Baron stated that at the end of the year two commissioners would be leaving; Commissioner Ostergaard would be leaving since he had won a City Council seat and Commissioner Covarrubias would be leaving since he was moving out of City boundaries. As well, Commissioner Wilson’s position as an alternate was up, although he could choose to continue if he wished to. With that, Planner Baron read the requirements for Commissioner Wilson to get approval to serve as a Commissioner.

Commissioner Ostergaard expressed his gratitude to his fellow Commissioners and commented how much he enjoyed his time on the Commission. He said moving forward, he wanted to get the Planning Commission involved in the City Council more and emphasized the need for collaboration. Chairman Gunn commended Commissioner Ostergaard for his work on the Planning Commission and thanked him for his work.

Commissioner Ostergaard commented he thought a Planning Commissioner should serve for at least four to six years in order to really get to know the City’s needs, although he also noted it was good to get new people and new perspectives involved as well.

Commissioner Jordan also thanked Commissioner Ostergaard for his dedication and work on the Commission, and said he had given him a more thorough understanding of

1 how construction and development worked and impacted the City. He expressed while  
2 he would miss him on the Commission, he looked forward to seeing his impact on the  
3 City Council. Commissioner Jordan also expressed appreciation for Commissioner  
4 Covarrubias for his perspective and commitment to the Planning Commission.  
5 Chairman Gunn also thanked Commissioner Wilson for his service and hoped that he  
6 would choose to continue to serve on the Commission.

7

8 II. Discuss Planning Commissioners attendance to the January 2, 2024 City  
9 Council Meeting

10

11 Planner Baron announced that the City Council wanted to hear the plans, goals, and  
12 wishes for the new year at the January second City Council work meeting, and invited  
13 all the Commissioners to attend the session. Planner Baron added he was unsure if the  
14 Planning Commission was invited to the budget meeting as well, and said he would  
15 email the Commission accordingly once he found out. He noted it was a public meeting  
16 so the Commissioners could at least attend as citizens, if not as Commissioners.

17 The Commissioners thought it would be better if they could speak at the budget meeting  
18 rather than on the second, as it would give them more time to discuss their goals and  
19 also since by the budget meeting they would have their new Commissioners in place. It  
20 was discussed that the first Planning Commission meeting of the year would be on the  
21 ninth of January, so it would be nice for them to discuss first and then meet with the City  
22 Council at the budget meeting on the 18th of January.

23

24 **6. Adjournment:**

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

27 **Discussion:** N/A

28 **Voting Yes:** Chairman Gunn, Vice-Chair Richards, Commissioner Slagowski,  
29 Commissioner Knight, Commissioner Jordan, Commissioner Ostergaard,  
30 Commissioner Wilson.

31 **Voting No:** None. The Motion Passed 7-0.

32

33

Meshelle Kijanen, Administrative Assistant

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# Planning Commission Staff Report

**MEETING DATE:** 1/9/2024  
**SUBJECT:** Permitted Uses in the Business and Manufacturing Park (BMP) Zone  
**RESPONSIBLE:** Tony Kohler  
**DEPARTMENT:** Planning  
**STRATEGIC RELEVANCE:** Community Development

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## SUMMARY

## RECOMMENDATION

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## BACKGROUND

## DISCUSSION

## FISCAL IMPACT

## CONCLUSION

## ALTERNATIVES

**Staff Recommended Option - Approval**

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I move to **approve the item** as presented, with the findings and conditions as presented in the conclusion above.

### Alternative 2 - Continuance

I move to **continue the item** to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:

### Alternative 3 - DENIAL

I move to **deny the item** with the following findings.

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## POTENTIAL MOTIONS

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## ACCOUNTABILITY

**Department:** Planning  
**Staff member:** Tony Kohler, Community Development Director

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## EXHIBITS

1. BMP Uses
2. BMP Permitted Use Chart
3. BMP Zone



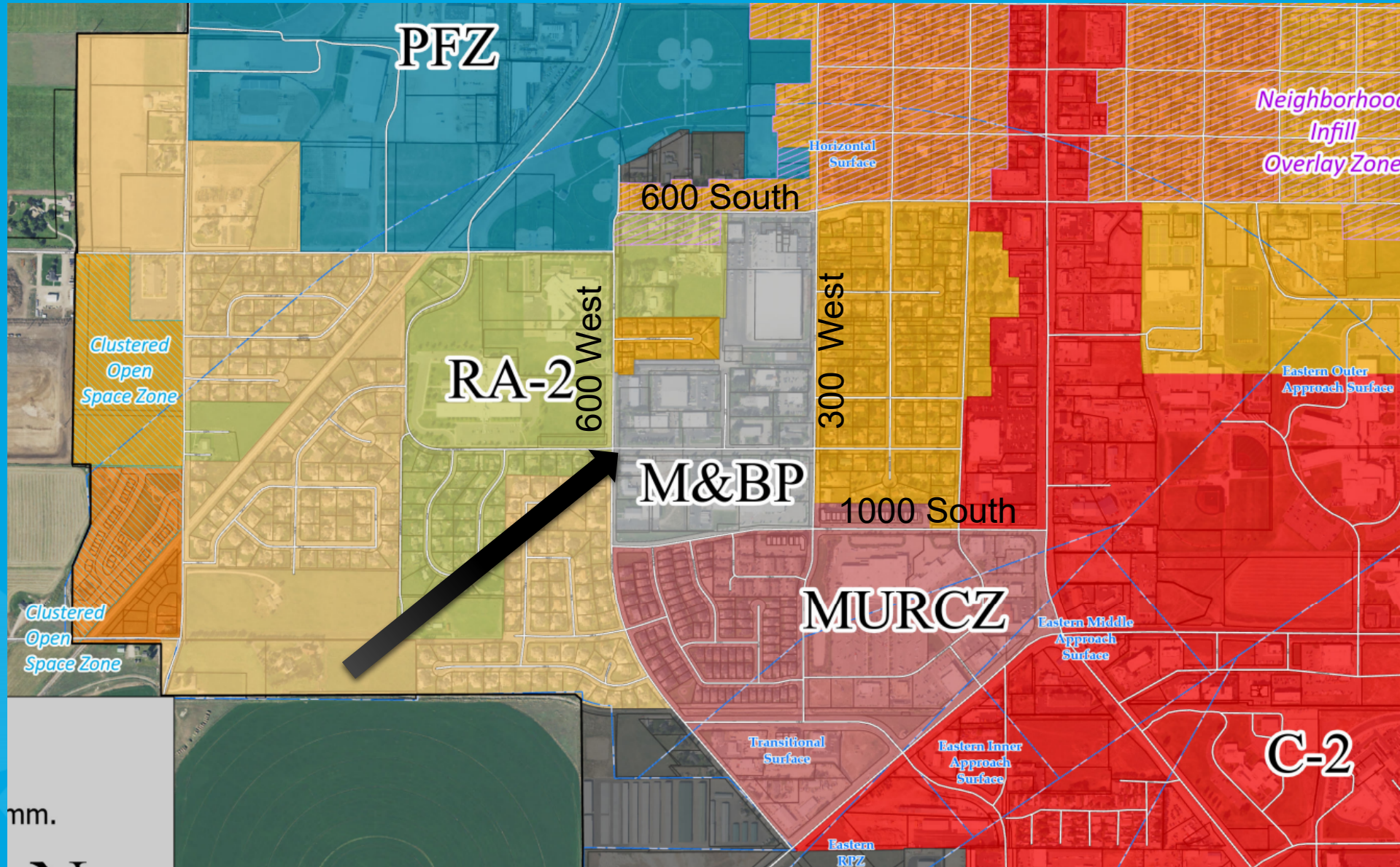


# Business & Manufacturing Zone Permitted Uses

## Policy Question:

Does Council Support the petitioner pursuing a code amendment to add Dog Grooming as a permitted use in the BMP Zone?

# BMP Zone Location



# BMP Purpose

The purpose of the Business/Medical Park Zone (BMP) is to provide an attractive environment for offices, medical facilities, research facilities, environmentally appropriate light manufacturing, fabrication and assembly uses, and similar uses. This zone is intended to ensure compatibility of new development with the surrounding land uses through standards that provide an open campus-like setting with attractive buildings, park-like grounds, and other appropriate amenities supporting the community and anticipated employees.

Land Use	BMP	Limitations
Office, business, medical, professional or research	P	
Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities)	P	
Bank or financial institution	P	Drive up windows shall not face the street. Excludes check cashing
Commercial day care	P	
Cafeteria/restaurants without drive-through facilities	P	
Medical, optical, and dental laboratories	P	
Pharmacy located within an office building	P	
Fitness centers, including gymnasiums, dance studios, and cheerleading, gymnastics and tumbling schools	P	
Private educational institutions	P	
Public and quasi-public uses	P	
Radio and/or television studios/stations	P	
Retail commercial uses accessory to and/or supporting a permitted use or conditional use and located within the same building or lot or parcel	P	
Personal Care Services such as barber shops, beauty salons, nail salons, diet and weight reducing centers, aesthetician, tanning, and massage therapy	E	Tattoo parlors are prohibited
Health related services including home health,	C	
Pet Services such as grooming, training (not including pet kennel/boarding)	E	
Indoor pet kennel/boarding	C	<u>Outdoor Kennels are prohibited</u>
Boutique Food Retailers	P	<u>30,000 square feet max;</u> <u>Convenience Retailers prohibited</u>
Signs	P	As regulated by Section 18.103
Accessory uses/buildings that offer support and are customarily incidental to a permitted or conditional use	P	
Hospitals	C	Traffic Study required
Light Manufacturing, processing, assembly, and fabricating establishments, except those in which explosives or other dangerous materials are used	C	
Structured parking	C	
Hotels which may include a restaurant and conference meeting rooms	C	
Any use that occupies more than 1 acre or has a building with more than a 60,000 square foot footprint	C	

# Policy Question

- The City Council asked for the Planning Commission to review the permitted uses in the BMP Zone. January 9 is a work meeting to discuss the proposed amendment. A formal public hearing will be held in the future on the proposed amendment.
- What changes to the proposed amendment are necessary?

## Business and Manufacturing Park (BMP) Zone Permitted Use Update

Draft: December 26, 2023

Land Use	BMP	Limitations
Office, business, medical, professional or research	P	
Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities)	P	
Bank or financial institution	P	Drive up windows shall not face the street. Excludes check cashing
Commercial day care	P	
Cafeteria/restaurants without drive-through facilities	P	
Medical, optical, and dental laboratories	P	
Pharmacy located within an office building	P	
Fitness centers, including gymnasiums, <u>dance studios, and cheerleading, gymnastics and tumbling schools</u>	P	
Private educational institutions	P	
Public and quasi-public uses	P	
Radio and/or television studios/stations	P	
Retail commercial uses accessory to and/or supporting a permitted use or conditional use and located within the same building or lot or parcel	P	
<u>Personal Care Services such as barber shops, beauty salons, nail salons, diet and weight reducing centers, aesthetician, tanning, and massage therapy</u>	<u>P</u>	Tattoo parlors are prohibited
<u>Health related services including home health,</u>	<u>C</u>	
<u>Pet Services such as grooming, training (not including pet kennel/boardings)</u>	<u>P</u>	
<u>Indoor pet kennel/boardings</u>	<u>C</u>	<u>Outdoor Kennels are prohibited</u>
<u>Boutique Food Retailers</u>	P	<u>30,000 square feet max; Convenience Retailers prohibited</u>
Signs	P	As regulated by Section 18.103
Accessory uses/buildings that offer support and are customarily incidental to a permitted or conditional use	P	
Hospitals	C	Traffic Study required
Light Manufacturing, processing, assembly, and fabricating establishments, except those in which explosives or other dangerous materials are used	C	
Structured parking	C	
Hotels which may include a restaurant and conference meeting rooms	C	
Any use that occupies more than 1 acre or has a building with more than a 60,000 square foot footprint	C	

## 18.46 Business/Medical Park Zone

18.46.010	Purpose
18.46.020	Development Agreement, Design And Site Plan Approval
18.46.030	Permitted and Conditional Uses
18.46.040	Outside Storage Not Permitted
18.46.050	Project and Lot Area
18.46.060	Yard Requirements
18.46.070	Performance Standards
18.46.080	Building Height
18.46.090	Coverage Restrictions
18.46.100	Perimeter Fence or Wall
18.46.110	Landscaping
18.46.120	Screening
18.46.130	Access And Parking
18.46.140	Pedestrian Walkways
18.46.150	Declaration of Codes, Covenants and Restrictions
18.46.160	Related Provisions

### 18.46.010 Purpose

The purpose of the Business/Medical Park Zone (BMP) is to provide an attractive environment for offices, medical facilities, research facilities, environmentally appropriate light manufacturing, fabrication and assembly uses, and similar uses. This zone is intended to ensure compatibility of new development with the surrounding land uses through standards that provide an open campus-like setting with attractive buildings, park-like grounds, and other appropriate amenities supporting the community and anticipated employees.

### 18.46.020 Development Agreement, Design and Site Plan Approval

A development agreement is required in conjunction with any rezone to BMP. The development agreement shall address the architectural design and theme, building materials, lighting, signage, landscaping, parking, maintenance, improvements, and vehicular/bike and pedestrian access. An overall/master plan is required for the development. Design and site plan approval is required for all development as per the list of permitted and conditional uses.

### 18.46.030 Permitted and Conditional Uses

To accomplish the objectives and purposes of this title and to stabilize and protect the essential zone characteristics, the following uses are allowed the BMP zone:

#### A. Table of Land Use Regulations.

**P** = PERMITTED USE (P) A site plan application is required with staff processing. Site plan applications are approved, when and if they meet the ordinance standards.

**C** = PLANNING COMMISSION CONDITIONAL USE REVIEW (C). A site plan application with Planning Commission review is required. See Chapter 18.70 - Conditional Uses

- B. If a use is not specifically designated below, then it is prohibited.
- C. All uses listed in the use table and that require a building permit shall also require a site plan application.

Land Use	BMP	Limitations
Office, business, medical, professional or research	P	
Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities)	P	
Bank or financial institution	P	Drive up windows shall not face the street. Excludes check cashing
Commercial day care	P	
Cafeteria/restaurants without drive-through facilities	P	
Medical, optical, and dental laboratories	P	
Pharmacy located within an office building	P	
Fitness centers, including gymnasiums	P	
Private educational institutions	P	
Public and quasi-public uses	P	
Radio and/or television studios/stations	P	
Retail commercial uses accessory to and/or supporting a permitted use or conditional use and located within the same building or lot or parcel	P	
Signs	P	As regulated by Section 18.103
Accessory uses/buildings that offer support and are customarily incidental to a permitted or conditional use	P	
Hospitals	C	Traffic Study required
Light Manufacturing, processing, assembly, and fabricating establishments, except those in which explosives or other dangerous materials are used	C	
Structured parking	C	
Hotels which may include a restaurant and conference meeting rooms	C	
Any use that occupies more than 1 acre or has a building with more than a 60,000 square foot footprint	C	

**18.46.040 Outside Storage Not Permitted**

Outside storage of any stock, motor vehicles (other than parking for employee and visitor vehicles), or other property is not permitted.

**18.46.050 Project and Lot Area**

- A. Project Area. The project area shall be a minimum of ten acres.
- B. Lot Area. There shall be no requirements for individual buildings or lots within the zone, except that the area shall be sufficient to provide for setbacks, landscaping and off-street parking.



#### **18.46.060 Yard Requirements**

The minimum yard requirements for all main and accessory buildings are as follows:

- A. Perimeter Buffer Yards adjoining a residential zone boundary shall be not less than twenty-five (25) feet deep and screened with a decorative masonry wall at least eight (8) feet high; or with landscaped berms at least six (6) feet in height. See 18.46.100 for additional buffer yard requirements.
- B. Building Setbacks. Buildings on all lots shall be set back a minimum of thirty (30) feet from any dedicated street and ten (10) feet from any other property line (except twenty-five (25) feet when abutting a residential zone boundary). All setbacks shall be landscaped as set forth in Chapter 18.86, except for permitted driveways.
- C. Building Separation. A separation of at least twenty (20) feet shall be maintained between main/principal buildings.

#### **18.46.070 Performance Standards and Required Improvements**

- A. No primary or secondary use shall be so conducted as to cause the discharge of any harmful waste materials into or upon the ground; into or within any sanitary or storm sewer system; into or within any water system or water; or into the atmosphere; and no use or activity shall be conducted or permitted which is dangerous or offensive to persons or property by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes. In addition, no use shall be permitted or conducted where the same creates a public or private nuisance.
- B. Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the BMP zone:
  - 1. Incineration. There shall be no incineration on any site of any waste material.
  - 2. Vibration. There shall be no activity on any site which causes ground vibration which is perceptible, without instruments, at the boundary line of the lot.
  - 3. Air Pollution. There shall be no emission on any site of air pollutants more than the levels permitted by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. The normal venting of a building is permitted.
- C. Wastes. The quality and nature of industrial wastes shall not overburden the public sewage disposal facilities or cause odor and unsanitary effect beyond the property line. Nor shall such wastes be discharged into the ground, or any surface or subsurface waterways. Disposal of all hazardous wastes shall comply with all applicable federal and state regulations. All roads shall be hard surface and meet the minimum requirements of local roads as required in the City Standards and Specifications, unless modified through a development agreement.
- D. Storm drains, curb and gutter, and lighting shall be required in conformance with City Standards and Specifications. Sidewalks are required to provide internal and external access for pedestrians.

#### **18.46.080 Building Height**

The maximum height of a building or structure shall be three stories not to exceed 35 feet.

#### **18.46.090 Coverage Restrictions**

A building or group of buildings, with their accessory buildings, shall not cover more 40% percent of the project area.

#### **18.46.100 Perimeter Fencing and/or Wall**

- A. For sound reduction purposes, all uses with loading docks or truck access drives adjacent to residential or agricultural uses or zones, shall have a decorative tinted concrete or masonry wall or solid composite type fence along all rear and side yards not fronting on a public street. Such walls shall not be in the required set back from a public street.
- B. Access to trails and the continuation of trails through the development is required, especially those shown on the Master Trail Plan. Creeks shall be buffered with trails and other open space amenities shall be preserved and/or created in the development.

#### **18.46.110 Landscaping**

- A. All landscaped areas shall be planted with live water-wise plant material and include a permanent automatic irrigation system, except for natural or xeriscape areas, up to 25% of the landscaping, approved administratively by the Planning Commission for preservation. The owner, tenant and any agent shall be jointly and severally responsible for the maintenance of all landscaping in good condition and free from refuse and debris to present a healthy and orderly appearance.
- B. A minimum of twenty-five percent of the total site shall be landscaped. The Planning Commission may administratively approve preservation of natural areas or trails as part of the twenty-five percent.
- C. The required front yard setback and the required side yard setback which faces on a street on corner lots shall be landscaped with a combination of live plant materials and xeriscape design, up to 25% of the area, including shrubs and trees except for necessary vehicular driveways and pedestrian walkways. Deciduous trees shall have a minimum caliper of two inches. A minimum of forty percent of the trees shall be conifer trees having a minimum height of six feet.
- D. For landscaping requirements in parking areas see parking and landscaping chapters under this Title. 18.72 Off-Street Parking and Loading, 18.76 Landscaping
- E. A landscaping plan shall be required prior to building permit issuance which demonstrates compliance with landscaping regulations and the use of drought resistant species in this Chapter and Chapter 18.76 Landscaping.

#### **18.46.120 Screening**

- A. All trash or refuse receptacle areas shall be completely screened from surrounding properties by a masonry wall that is a minimum of six feet high or shall be enclosed within a building. Any trash or refuse receptacle area shall be a minimum of fifty feet from any residential or agricultural zone boundary or property containing a residential or agricultural use.
- B. All ground mounted mechanical equipment including, but not limited to, heating and air conditioning units shall be completely screened from surrounding properties by a masonry wall or shall be enclosed within a building.
- C. The use of roof appurtenances is discouraged. If roof appurtenances including, but not limited to, air conditioning units and mechanical equipment are used, they shall be

placed within an enclosure at least as high as the roof appurtenances that reflects the architectural design scheme of the project and complies with the requirements for penthouses and roof structures of the Uniform Building Code, as adopted by the State. Such enclosures require administratively approval by the Planning Staff and shall minimize visibility from on-site parking areas, adjacent public streets, and adjacent residentially or agriculturally zoned property.

- D. All utility connections shall be compatible with the architectural elements of the site and not be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.
- E. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets.

#### **18.46.130 Access and Parking**

See Chapter 18.72 Off-Street Parking and Loading.

#### **18.46.140 Pedestrian Walkways**

- A. Pedestrian walkways, a minimum of six feet wide, shall be provided to accommodate pedestrian movement between activity centers within the site, to adjacent uses and from building entrances. Minor sidewalks are to be no less than four feet in width.
- B. Public easements for walkways, jogging paths and similar uses may be required as determined administratively by the Planning Commission.

#### **18.46.150 Declaration of Codes, Covenants and Restrictions**

As part of the development agreement, the developer may be required to submit CC&Rs to the City Attorney to review to assure that adequate provisions are in place for installation and maintenance of landscaping, snow removal, stormwater retention, cross-easements for parking and access, lot area maximums for individual parcels, or other issues that will be delegated or enforced through the CC&R.

#### **18.46.160 Related Provisions**

Chapter 18.12	Administration
Chapter 18.08	Definitions
Chapter 18.108	Conditional Use Permits
Chapter 18.72	Off Street Parking and Loading
Chapter 18.76	Landscaping
Chapter 18.103	Sign Regulations
Chapter 18.78	Lighting
Chapter 18.174	Enforcement
Chapter 17	Subdivisions