

HEBER CITY CORPORATION  
75 North Main Street  
Heber City, Utah  
Planning Commission Meeting  
Thursday, April 24, 2014

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.

Pledge of Allegiance: By Invitation  
Minutes: March 27, 2014 Regular Meeting  
April 10, 2014 Regular Meeting

Item 1 Blake Allen requests approval of proposed 2 Lot Subdivision located at 390 North 300 East.

Item 2 Red Ledges requests Subdivision Final Approval for Red Ledges Phase 2C located at the intersection of Haystack Mountain Drive and Chimney Rock Road.

Item 3 Mountain West Enterprises requests Subdivision Concept Approval of the Valley Heights Subdivision located at 1050 North Mill Road

Item 4 Public Hearing to consider request by Lee Burbidge to amend the Heber City General Plan to designate Center Street from 100 West to 200 West on the south side of Center Street, within Block 80 as future R-C Residential Commercial Overlay Zone.

Item 5 Public Hearing to consider request by Lee Burbidge to rezone property located at 167 West Center Street on Block 80 (old Questar Facility) to apply the R-C Residential Commercial Overlay Zone.

Item 6 Public Hearing to amend Heber City Municipal Code Chapter 18.50 the R-C Commercial Overlay Zone, altering the Objectives and Characteristics in Section 18.50.010 and the Permitted Uses in Section 18.50.020.

Item 7 Public Hearing to repeal Section 111 of the Heber City Commercial Districts C-2 & C-4 Zones Design Criteria regarding the requirement for a vacancy/dark store agreement for buildings over 15,000 square feet.

Item 8 Public Hearing to consider amendment to Heber City Municipal Code Sections 18.68.601 through 606 regarding Residential Facilities for Handicapped Persons

Administrative Items

Those interested in the above items are encouraged to attend. Order of items may vary if needed. In compliance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Karen Tozier or the Heber City Planning and Zoning Department (435-654-4830) at least eight hours prior to the meeting.

Posted on April 17, 2014 in the Wasatch County Community Development Building, Wasatch County Library, Heber City Hall, the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us) and on the Utah Public Notice Website at <http://pmn.utah.gov>. Notice provided to the Wasatch Wave on April 17, 2014.

Karen Tozier, Planning Commission Secretary

# HEBER CITY CORPORATION

## Planning Commission Public Hearing Notice

Notice is hereby given that the Heber City Planning Commission will hold a public hearing on **Thursday, April 24, 2014, at 6:00 p.m.** in the Heber City Office Building, 75 North Main Street, South door, in the Council Chambers upstairs, to consider the following:

- **Request by Lee Burbidge to amend the General Plan to designate Center Street from 100 West to 200 West on the south side of Center Street, within Block 80 as future R-C Residential Commercial Overlay Zone.**
- **Request by Lee Burbidge to rezone property located at 167 West Center Street on Block 80 (old Questar Facility) to apply the R-C Residential Commercial Overlay Zone.**
- **To amend Chapter 18.50 the R-C Commercial Overlay Zone, altering the Objectives and Characteristics in Section 18.50.010 and the Permitted Uses in Section 18.50.020.**
- **To repeal Section 111 of the C-2 & C-4 Design Criteria regarding the requirement for a vacancy/dark store agreement for buildings over 15,000 square feet.**
- **Amendment to 18.68.601 through 606 regarding Residential Facilities for Handicapped Persons**

Public comment is welcome. Text and/or maps of proposed amendments, copies of the agenda materials, and staff recommendations are available the week of the hearing at reasonable cost or can be viewed at the Heber City Office Building, Planning and Zoning Office, 75 North Main Street between the hours of 7:30 a.m. and 6:00 p.m. Monday through Thursday. Agendas, text and/or maps of proposed amendments, and staff recommendations are also generally available the week of the meeting on the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us) and on the Utah Public Notice Website at <http://pmn.utah.gov>. Any questions or written comments pertaining to this Public Hearing can be directed to Karen Tozier or the Planning and Zoning Department (435-654-4830) during regular business hours or emailed to [ktozier@ci.heber.ut.us](mailto:ktozier@ci.heber.ut.us)

Posted on April 1, 2014, in the Wasatch County Community Development Building, Wasatch County Library, Heber City Hall, the Heber City Website at [www.ci.heber.ut.us](http://www.ci.heber.ut.us) and on the Utah Public Notice Website at <http://pmn.utah.gov>. Published: Wasatch Wave: April 9, 2014.  
Karen Tozier, Planning Commission Secretary

1 HEBER CITY CORPORATION  
2 75 North Main Street  
3 Heber City, Utah  
4 Planning Commission Meeting  
5 Thursday, March 27, 2014  
6

7 6:00 p.m. – Special Joint Meeting with City Council  
8  
9

Present: Planning Commission: Darryl Glissmeyer  
Harry Zane  
Kieth Rawlings  
Mark Webb  
Michael Thurber  
Clayton Vance

Mayor & City Council: Alan W. McDonald  
Robert Patterson  
Erik Rowland  
Jeffery Bradshaw  
Heidi Franco  
Kelleen Potter

Absent: Stacie Ferguson  
David Richards

Staff Present: Planning Director Anthony Kohler  
Planning Secretary Karen Tozier  
City Engineer Bart Mumford  
City Attorney Mark Smedley

10  
11 **Others Present:** Danny Warner, and two others who did not identify themselves.  
12

13 Chairman Rawlings convened the meeting at 6:00 p.m. with a quorum present and welcomed those  
14 present including the Mayor and City Council to the meeting.  
15

16 **Pledge of Allegiance:** Chairman Rawlings

17 **Minutes:** February 27, 2014, Regular Meeting  
18

19 Commissioner Glissmeyer moved to approve the February 27, 2014 Meeting Minutes. Commissioner  
20 Thurber seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Webb, and  
21 Rawlings. Nay: none. Abstaining: Commissioners Webb and Vance. The motion carried.  
22

23 **Item 1** **Joint Meeting with the City Council to discuss potential amendments to the**  
24 **Zoning Ordinance, Subdivision Ordinance, and the Sign Ordinance.**  
25

26 The Planning Commission and City Council discussed political and temporary signs. There was much  
27 discussion on time limits for both types of signs. Council Member Bradshaw expressed concern with  
28 temporary signs becoming permanent signs. He thought there needed to be a time limit. The topic of

29 determining the definition of temporary signs was brought up numerous times during the course of  
30 discussion. Mayor McDonald asked for the Planning Commission to look at the temporary sign  
31 definition and build off of that.

32  
33 Mark Smedley addressed time limits on political signs. He indicated that political signs need to be  
34 treated the same as you would temporary signs. You can't put a duration time on political signs unless  
35 you do so on all temporary signs. There are three different categories:

- 36
- 37 1. Private property; it is very difficult to tell a politician or a private property owner that they  
38 have to take a sign down during a certain period of time.
  - 39 2. Public property; you are able to restrict a little more.
  - 40 3. Commercial Property; limitation on number of signs, location, and size may be allowed. You  
41 can't regulate content and any private person who wants to put a sign up can do so for as long  
42 as they want to.

43  
44 Mark Smedley was to look into size restrictions on private property because there are size restrictions  
45 on commercial signs.

46  
47 Other discussion and comments were:

- 48 ➤ There may be a conflict with putting temporary signs in the same category with political signs;
- 49 ➤ Removal of signs. Define: Pre-event, during event, after event; one of the main problems for  
50 political signs is the time period between the primary and the general election.
- 51 ➤ For political signs the option of having the politician file a voluntary good candidate  
52 statement;

53  
54 Anthony Kohler indicated he and Mark Smedley could put together an ordinance and bring it to the  
55 Planning Commission for review. Electronic readerboards were also discussed briefly. There was a  
56 decision to tackle this in depth at another time. Discussion points:

- 57
- 58 ➤ Grandfathering is a problem with those who don't qualify;
- 59 ➤ Amortize and then discrepancies no longer exist;
- 60 ➤ The ordinance needs to be cleaned up; a universal ordinance will keep everyone on track.

61  
62 Anthony Kohler then reviewed with the Council the topics the Planning Commission had recently  
63 been discussing at their meetings. Parking for the downtown area and using a redevelopment district  
64 to building parking lots downtown was mentioned. A suggestion was made to hold a joint meeting to  
65 discuss this further. Other topics discussed briefly were the possibility of an administrative law judge  
66 for zoning issues and working on a vision statement. Varying opinions were expressed when it came  
67 to the topic of open space and transfer of development rights (TDRs). A suggestion was made to talk  
68 about this, particularly the topic of TDRs as opposed to a transfer fee, with Wasatch County at the  
69 Interlocal meeting on April 15<sup>th</sup>.

70  
71 **Item 2**      **Discuss proposed amendment to Section 18.68.601 through 606 regarding**  
72 **Residential Facilities for Handicapped Persons.**  
73

74 Anthony Kohler indicated that Craig Chambers and Mark Smedley had put together an ordinance  
75 relating to residential facilities for disabled persons. Recent case law at the federal and state levels has  
76 changed and the City needs to change the ordinance to make the ordinance legal. Danny Warner who  
77 owns Chateau Recovery spoke on this topic and explained his program. Warner indicated there is a  
78 legal status of disability. He expressed that there does need to be some way for the City to control a  
79 facility and make sure it is being run properly.

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The City Council was dismissed at this time, approximately 8:26 p.m.

The following points were discussed:

- The International Building Code dictates some of the requirements relating to square footage; limiting to 16 people.
- State Statute has redefined the definition of family; the City needs to review the city ordinance to make sure the definition of family contained in the ordinance does not conflict;
- Conditional uses can not be applied to group homes;
- Regulation is needed; the following points were mentioned:
  - How can we ensure proper operators?
  - Ensure we don't have problems such as 16 renters in a house;
  - Participants are in recovery and not currently addicted - and are being tested;
  - Undue concentration of police response indicates a problem; the City needs to have the ability to close down a facility if there are problems.
  - Option to require a business license but waive the fee;
  - The program has a requirement for Vocational Rehab;
  - What control do we legally have? How can we make the business owner be responsible to have the people at the facility who are supposed to be at the facility? Have Mark Smedley conduct research and determine what regulation can be done through business licensing needs to be looked at as well.

**ADMINISTRATIVE ITEMS:**

The amended annual meeting schedule was reviewed. There was brief discussion on a downtown redevelopment district. Commissioner Zane mentioned other items for possible discussion at future meetings:

- Rental garages;
- Kennels and dogs;
- Building height;
- Landscaping and trees; particularly for large parking lots, including church parking lots.

Commissioner Webb motioned to adjourn the meeting. Commissioner Vance seconded the motion. The meeting adjourned at approximately 9:08 p.m.

1 HEBER CITY CORPORATION  
2 75 North Main Street  
3 Heber City, Utah  
4 Planning Commission Meeting  
5 Thursday, April 10, 2014

6 6:00 p.m. - Regular Meeting  
7  
8

Present: Planning Commission: Darryl Glissmeyer  
Stacie Ferguson  
Harry Zane  
Kieth Rawlings  
Mark Webb  
Michael Thurber

Absent: David Richards  
Clayton Vance

Staff Present: Planning Director Anthony Kohler  
Planning Secretary Karen Tozier

9  
10 **Others Present:** James Doolin, Mike Stewart, Francis Harrison, and Rena Bucad.

11  
12 Chairman Rawlings convened the meeting at 6:00 with a quorum present. Commissioners Vance and  
13 Richards were excused. Commissioner Webb was not present at this time.

14  
15 **Pledge of Allegiance: Commissioner Glissmeyer**  
16 **Minutes: March 13, 2014, Regular Meeting**

17  
18 Commissioner Zane motioned to approve the March 13, 2014 Regular Meeting Minutes. Commissioner  
19 Ferguson seconded the motion. Voting Aye: Commissioners Zane, Glissmeyer, Thurber, Rawlings, and  
20 Ferguson. Voting Nay: none. The motion carried.

21  
22 **Item 1 Mel McQuarrie requests Subdivision Plat Amendment A of The Cove at Valley**  
23 **Hills, amending Lot 38, 41, and 42, located between 1772 North Valley Hills**  
24 **Boulevard and Callaway Drive.**

25  
26 Commissioner Ferguson was representing the Petitioner. She recused herself at this time and came  
27 down from the stand before the item was discussed. Commissioner Webb arrived at approximately  
28 6:10 p.m.

29  
30 **REQUEST**

31  
32 Coyote Development, LLC, the Petitioner, is proposing to enlarge Lot 38 and 42 while  
33 shrinking Lot 41. The lots are located within the R-1 Residential Zone, requiring 100 feet of  
34 street frontage and 10,000 square feet of area. Last year the petitioner sought an identical  
35 approval that included the addition of two lots to the south. The reason the proposal has been

36 changed is the owner of Lot 41 is anxious to record the amended plat, and by removing the two  
37 new lots, significant required improvements to sewer, water, and a retaining wall can be put off  
38 to when the two new lots are ready to be recorded.

39 Stacie Ferguson was present representing the Petitioner. She answered the Commission's questions as  
40 to what changes were being made to the plat compared to the last time this plat was before the  
41 Commission; the same changes as a year ago minus the water tanks. The lot line changes were  
42 reviewed. The ownership has changed since the last time this plat amendment was looked at.  
43

44 **DISCUSSION**

45  
46 The Planning Commission discussed the following points:

- 47
- 48 ➤ Has the easement to the water tank been given to the City? Has the land the tank is on been  
49 given to the City? Stacie Ferguson's understanding was this is still planned to record.
- 50 ➤ The last time this came through Planning Commission the City asked for the burrow ditch to  
51 be cleaned off from sluff off the east side of Valley Hills Boulevard and construction of a  
52 retaining wall,
- 53 ➤ One of the lots from the previous plat cannot get a building permit due to water pressure;
- 54 ➤ Concern was expressed for the property owners. The Commission did not want to hold these  
55 property owners hostage for something that the developer had not done, i.e. the easement and  
56 land the tank is on being deeded to the City, retaining wall, etc.
- 57 ➤ Discussion on tabling and getting a legal opinion;
- 58 ➤ The Planning Commission discussed informing the City Council of the commitments that Mel  
59 McQuarrie has made that have not been followed through.
- 60

61 **MOTION**

62  
63 Commissioner Webb moved that we recommend Subdivision Plat Approval of Amendment A of the  
64 Cove at Valley Hills which applies to Lot 38, 41, and 42 between 1772 North Valley Hills Boulevard  
65 and Callaway Drive. And that it meet all staff and engineering requirements, and is consistent with  
66 Heber City Municipal Code Chapter 18.52 and the R-1 Residential Zone. And then if Tony, if you  
67 could add that to the notes that we talked about as far as what his, what Mel has agreed to do  
68 previously, that, the retaining wall, and that the water tower (tank) easement and the transfer of the Lot  
69 to the City. Commissioner Thurber seconded the motion.  
70

**VOTE**

	AYE:	NAY:	ABSTAINING:
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Webb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

71  
72 The motion carried.

73  
74 Commissioner Ferguson went back to sit with the Planning Commission as a voting member.  
75

76 **Item 2** **Oakwood Homes of Utah requests Subdivision Final Approval for The Cottages**  
77 **at Valley Station Phases 2 and 3 located between 600 West and 300 West and**  
78 **1000 South and 1300 South.**  
79

80 **REQUEST**  
81

82 The Petitioner is requesting Final Approval of the proposed Cottages at Valley Station,  
83 Phases 2 & 3, consisting of Detached Single Family Homes in the Mixed Use Residential  
84 Commercial Zone (MURCZ). Phase 2 consists of 48 lots and Phase 3 consists of 47 lots.  
85

86 Commissioner Webb left the meeting. Anthony Kohler presented information; the  
87 supplemental staff report was referenced which indicated that Industrial Parkway has  
88 been designed to the 66 foot wide minor collector standard and should instead be  
89 designed to the 70 foot wide major collector standard. In essence this is a right-of-way  
90 issue; as proposed, the asphalt width is six feet shy of the adopted standard for this street.  
91 The proposed solution is to apply the three recommendations from the supplemental staff  
92 report.  
93

94 To obtain the required street width of 50 feet within the 72 foot right-of-way, Staff  
95 recommends the following:  
96

- 97 1. Utilize a six foot planter strip along Industrial Parkway instead of an eight foot  
98 planter strip. This exceeds the adopted minimum planter strip width of four feet.
- 99 2. Shrink the lot depths (and some widths) throughout the development to attain an  
100 additional four feet for use along Industrial Parkway. Between these two options,  
101 the necessary six feet can be obtained to widen Industrial Parkway to meet  
102 current standards.
- 103 3. In exchange for maintaining the wider six foot planter strip and the developer  
104 accommodating the additional width for the street, utilize Heber City Municipal  
105 Code Section 18.68.175 Open Space to permit the lots in the subdivision to have  
106 25 foot front setbacks to the garage.  
107

108 James Doolin of Oakwood Homes spoke. He indicated they want to put in different  
109 species of trees from what had originally been proposed. They will evaluate the trees to  
110 make sure they will not encumber the walking path. He also indicated the goal is to have  
111 the park be a public park. The homeowners would have to enforce others from coming to  
112 the park if not. It was noted that Devin McKrola had asked for trees to be removed to  
113 protect the integrity of the water line. They are in favor of the setback change. If the  
114 City takes over the Parks Department has asked for the trail to be xeriscaped.  
115

116 **DISCUSSION**  
117

118 The Planning Commission discussed the following points:

- 119 ➤ The recommended changes to meet the 72 foot right-of-way requirement including the change  
120 to the planter strip;
- 121 ➤ Should the .99 acre park be public or not?
- 122 ➤ The street trees are too low.

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**MOTION**

Commissioner Zane moved that we approve Oakwood Homes of Utah’s request (for) Subdivision Final Approval for The Cottages at Valley Station Phases 2 and 3 located between 600 West and 300 West and 1000 South and 1300 South contingent upon they revise the subdivision layout in accordance with the 25 foot setback and the 72 foot right-of-way along Industrial Parkway and that they follow the recommendations on Tony’s recommendation sheet including all the things on the staff report, Items 1 – 8 and the Engineers’ recommendations and contingent upon meeting the staff and City Engineer’s requirements, and including the park is accepted by the City.

Commissioner Glissmeyer seconded the motion.

**STAFF RECOMMENDATION:**

The proposed final application is consistent with Preliminary Approval, Section 18.42.100 Mixed Use Residential Standards, Chapter 17.20.030 Final Plans, Chapter 17.40 Improvements, Chapter 17.24 Street Design Standards, Chapter 17.28 Block Design Standards, Chapter 18.102 Affordable Housing, and the Valley Station Development Agreement, contingent upon the proposed development agreements for each phase, applicable to future buyers of lots in the development, conditional upon the following:

1. The plat shall specify that setbacks are measured to property line not the back of curb.
2. Developer shall coordinate with WCWEP about proposed landscaping near irrigation lines within Parcel A. WCWEP indicates that only shrubs with 2 foot or smaller root balls may be planted within their easement, which contains a 48 inch and a 14 inch irrigation waterline.
3. Developer shall meet and coordinate the Parcel A improvements and landscaping with the City Park & Cemetery Director prior to the Phase 2 plat recording.
4. The plats shall provide addresses for each lot.
5. 10 foot front, 10 foot rear, and 5 foot side Public Utility Easements shall be shown on each plat.
6. The following condition of preliminary approval needs to be submitted prior to final plat recording:
  - a. Control of erosion within the subdivided area;
  - b. Reseeding of cuts and fills;
  - c. Prevention and control of fire and control of dust;
  - d. Prevention of the accumulation of weeds and debris; and
  - e. Prevention of the destruction of vegetation or else the establishing of new vegetation;
7. Prior to recording the plat, developer shall provide:
  - a. An updated title report; and
  - b. Tax clearance from the county assessor.
8. A document abandoning the existing sewer easement traversing through the proposed development shall be recorded concurrent with the plat recording.

## VOTE

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

169

170 The motion carried.

171

172 **Item 3** **Wasatch School District requests Small Subdivision Approval for Lot 1 of the**  
173 **Old Wasatch High School Redevelopment, located on the southeast corner of**  
174 **Main Street and 600 South.**

175

### 176 REQUEST

177

178 On January 9, 2014, the Planning Commission granted concept approval to the proposed subdivision. The  
179 property is located in the C-2 Commercial Zone. Development Pads would be built along Main Street and  
180 new public and private roads throughout the property. The School District agreed to align 100 East with  
181 existing 100 East and connect a public street to Main Street along their existing driveway. The current  
182 proposal is to plat one lot on the corner, and is considered a small subdivision by the code.

183

184 The Wasatch County School District's engineer, Paul Berg, presented information and answered the  
185 Commission's questions. He indicated there will be improvements to the sidewalk area on Main Street

186

187

### 188 DISCUSSION

189

190 The Planning Commission discussed the following points:

191

- 192 ➤ There were many questions addressed to Berg on access, roads, and park strip. Berg explained
- 193 the improvements to the lots, roads, and sidewalk.
- 194 ➤ Access for Lot 1 will be taken care of with the site plan associated with the building permit;
- 195 ➤ The buyer of Lot 1 has not formally approached the City. Berg indicated they will probably
- 196 approach the City for a driveway access off 600 South.
- 197 ➤ The proposed building will be 7000-8000 square feet, 35 – 40 parking spaces will be needed.
- 198 ➤ The tenants association will maintain the private roads; the right-of-way will be dedicated to
- 199 the tenant association.

200

### 201 MOTION

202

203 Commissioner Zane moved that we recommend Wasatch School District's request for Small  
204 Subdivision Approval for Lot 1 of the Old Wasatch High School Redevelopment, located at the  
205 southeast corner of Main Street and 600 South contingent upon they meet the requirements of staff and  
206 city engineer and that they meet the requirements that are in the recommendations (staff  
207 recommendations) that it is filed under Chapter 18.28 C-2 Commercial Zone, and Chapter 17  
208 Subdivisions, 1-14 (of the recommendations). Commissioner Ferguson seconded the motion.

209

210 There was brief discussion on Item 11, UDOT approval for proposed driveway onto Main Street. Paul  
211 Berg indicated they had met with UDOT's approval committee and that they were waiting to find out  
212 what the width of the sidewalk would be.

213  
214 **RECOMMENDATION**

215 The proposed subdivision is consistent with the applicable codes, Chapter 18.28 C-2 Commercial  
216 Zone, and Chapter 17 Subdivisions, conditional upon:

- 217 1. burial of power and utility lines along lot frontage;
- 218 2. replacement of sidewalk along Main Street to the current five foot standard width at  
219 property line at an elevation with no greater slope of 2% in the planter strip to the curb;
- 220 3. replacement of ADA corner to current standards;
- 221 4. removal of concrete planter strip for future landscaping along Main Street;
- 222 5. replacement of any broken sidewalk and broken or settling curb along Main Street and 600  
223 South;
- 224 6. water rights being turned over to the City in an amount determined by the City Engineer;
- 225 7. water and sewer laterals being constructed from the mains to the lot;
- 226 8. installation of a fire hydrant as per City standard;
- 227 9. removal of the existing 600 South driveway closest to the Main Street intersection and  
228 associated hard surface and preferably removing the second driveway as well;
- 229 10. replacement of existing cobra head street lighting with standard decorative acorn street  
230 light;
- 231 11. UDOT approval for proposed driveway onto Main Street;
- 232 12. private road with sidewalk and planter strips be constructed to east boundary of Lot 1;
- 233 13. submit a plan for what entity maintains the storm drain easement; and
- 234 14. the final plat showing the address of the new lot.

235  
236 **VOTE**

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

237  
238 The motion carried.

239  
240 **Item 4** **Brian Lee requests approval of proposed Activa Plaza Condominium Plat Second**  
241 **Amendment located at 385 West 600 South.**

242  
243 **REQUEST**

244  
245 Heber City determined last year to have about 16 feet of excess property in front of Activa Plaza along  
246 600 South, and deeded that property to Activa Plaza, which makes all of the lots 16 feet deeper. The  
247 proposal reduces the 33 foot public utility easement running north and south along the west edge of the

248 plat 25 feet wide, adding eight feet of width to the building pad on Unit 4. The proposed Plat  
249 Amendment incorporates the city property and reduced utility easement property into the legal  
250 descriptions for the lots in Activa Plaza, particularly for Unit 4. Anthony Kohler indicated there is  
251 room for expansion of this road. Brian Lee answered the Planning Commission's questions.  
252

253 **DISCUSSION**

254  
255 The Planning Commission discussed the following points:

- 256  
257 ➤ Removing some parking spaces close to the entrance on 300 South for visibility purposes.  
258 Brian Lee agreed that this was a good idea.  
259

260 **MOTION**

261  
262 Commissioner Zane moved that we recommend approval for Brian Lee's request for proposed Activa  
263 Plaza Condominium Plat Second Amendment located at 385 West 600 South since they are consistent  
264 with City Code, Chapter 17 Subdivisions, and Chapter 18 Zoning Ordinance and contingent upon they  
265 meet the requirements of the Staff and the City Engineer. Commissioner Glissmeyer seconded the  
266 motion.  
267

**VOTE**

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

268  
269 The motion carried.  
270

271 **Item 5**      **Brian Lee requests Commercial Final Development Approval for proposed**  
272 **Office Building located Unit 4 Activa Plaza at 385 West 600 South.**

273  
274 **REQUEST**

275  
276 The petitioner is requesting approval of an office building on Unit 4 of Activa Plaza. The lot is part of  
277 the Activa Plaza Condominium project. The property is zoned Manufacturing and Business Park  
278 (MBP). The proposed building is intended to house an attorney an insurance agent, and the basement  
279 is intended to be aimed at a health promoting business.  
280

281 Brian Lee answered questions on the plans for the building.  
282

283 **DISCUSSION**

284  
285 The Planning Commission discussed the following points:

- 286  
287 ➤ The building elevations;  
288 ➤ Daylight basement on north and west side with large window wells to provide light;

- 289 ➤ Egress for the lower level may be needed.
- 290 ➤ The engineers report; sidewalk would be on three sides of the building which included one in
- 291 front of the building on the south side.
- 292 ➤ Fire access should be added to one of the conditions of the engineers report.

293  
294 **MOTION**

295  
296 Commissioner Glissmeyer moved that Brian Lee’s request for Commercial Final Development for a  
297 proposed office building located at Unit 4 Activa Plaza at 385 West 600 North be approved meeting all  
298 City specifications, staff reports, and engineering reports. Commissioner Glissmeyer then rephrased  
299 his motion. Commissioner Glissmeyer moved to approve the proposed development as consistent with  
300 the applicable codes, Chapter 18.48 Business and Manufacturing Zone, contingent upon street trees  
301 and lawn being planted within the setback areas, the large existing tree being retained for the new site,  
302 shielded lighting be used on the site to keep light from reflecting upon adjoining residential properties,  
303 a sidewalk constructed from building to 600 South public sidewalk. Commissioner Glissmeyer  
304 amended his motion to include conditional upon petitioner addressing City Engineer’s concerns and  
305 fire access be added to the engineer’s requirements. It was noted that this will be added when a  
306 building permit is applied for.

307  
308 Commissioner Zane seconded the motion; the second stood through amendments to the motion.

309  
**VOTE**

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

310  
311 The motion carried.

312  
313 Brian Lee asked a question on whether a food service business could do business in this building. There  
314 was brief discussion on this. There were concerns over residences in the area being so close to this.

315  
316 **ADMINISTRATIVE ITEMS:**  
317 **Discussion on Administrative Law Judge for Zoning Violations**

318  
319 Anthony Kohler explained how having an administrative law judge works for zoning violations. The  
320 second option allows for an Administrative Law Judge in the place of the Board of Adjustment.  
321 Discussion:

- 322
- 323 ➤ Qualifications: The individual who fills this position would need to have a Masters Degree or
- 324 PHD in government or law.
- 325 ➤ This could help avoid partiality;
- 326 ➤ Talk to Kamas and see how it works for them;
- 327 ➤ Most of the Commissioners were interested in seeing this move forward;
- 328 ➤ Direction to look into this further.

330 The Commissioners were informed that on April 17<sup>th</sup> at 6:00 p.m. there would be a work meeting with the  
331 City Council for Code of Conduct and Ethics.

332  
333 Commissioner Zane moved to adjourn the meeting. Commissioner Thurber seconded the motion.  
334

**VOTE**

	AYE:	NAY:	ABSTAINING:
Stacie Ferguson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Darryl Glissmeyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kieth Rawlings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Thurber	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harry Zane	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

335  
336 The motion carried and the meeting adjourned at 7:49 p.m.

DRAFT-Unapproved Minutes

Heber City Planning Commission  
Meeting date: April 24, 2014  
Report by: Anthony L. Kohler

**Re: Heber Homes # 9 Blake Allen Subdivision at 390 North 300 East**

The petitioner is proposing to split the property located on the south east corner of 400 North and 300 East into 2 lots. Sidewalk, curb and gutter do not exist along the frontage of the property or in the neighborhood vicinity. The property is located within the R-2 Residential Zone and Infill Overlay Zone. The proposed lots meet the requirements for the Infill Overlay Zone. A fire hydrant exists on the north west corner of the intersection within 250 feet of the property lines of the subdivision.

**RECOMMENDED MOTION**

Motion for approval of the proposed subdivision as consistent with the applicable codes, Chapter 18.83 Neighborhood Infill Zone, and Chapter 17 Subdivisions, contingent upon a deed restriction being recorded for future curb, gutter, sidewalk and asphalt improvements along the frontage 300 East and 400 North, water rights being turned over to the city in an amount determined by the City Engineer, water and sewer laterals be constructed to city standards.

## **Chapter 18.83 Neighborhood Infill Overlay District**

### **Section 18.83.010 Introduction - Neighborhood Infill**

Neighborhood Infill lots shall only be allowed in the Neighborhood Infill Overlay District. No permit for a Neighborhood Infill home shall be granted unless the proposed Neighborhood Infill lot meets the limitations and density of the Neighborhood Infill Overlay District and the underlying zoning district in which it is to be located. Compliance with the provisions of this chapter does not excuse the developer from the applicable requirements of the Heber City Code and Standards and Specifications.

### **Section 18.83.020 Purpose**

The purpose of the Neighborhood Infill Overlay District is to provide increased flexibility and compatibility of infill housing within existing neighborhoods; to encourage the preservation of historically significant housing; to encourage the infill of overly large lots and vacant lots with housing that is compatible in design, height, setback, scale, and placement with existing housing; to limit residential density and preserve neighborhood character; to promote redevelopment and revitalization of the core of the City; to promote neighborhoods with quality homes, and well maintained landscaping; and to minimize and discourage blight, junk, weeds, and dilapidated housing.

### **Section 18.83.030 Neighborhood Infill Defined**

Neighborhood Infill Homes shall be defined as a single family detached dwelling located on a Neighborhood Infill lot which has been approved by the City Council in the Neighborhood Infill Overlay District through the subdivision process. The lot is modified to facilitate a side yard with a driveway to required rear or side yard parking.

Neighborhood Infill Lots shall be defined as a lot approved by the City Council within the Neighborhood Infill Overlay District that is at least 49 feet wide and 5,500 square feet in area. Any lot owners that originally filed an application under the previous Chapter 18.85, but have not yet, nor did obtain a building permit prior to the adoption of this Chapter 18.83, shall be subject to the infill lot requirements of this said Chapter 18.83.

### **Section 18.83.040 Area and Frontage Regulations**

A. The minimum Neighborhood Infill lot size shall be no less than five thousand five hundred (5,500) square feet.

B. The minimum lot width for any Neighborhood Infill lot shall not be less than forty-nine (49) feet at the front yard setback line, however, a corner Neighborhood Infill lot width shall not be less than fifty-six (56) feet at the front yard setback line.

C. Each Neighborhood Infill lot shall be at least 49 feet wide for a depth of at least 98 feet from the front street property line.

### **Section 18.83.050 Yard Regulations of the Neighborhood Infill Overlay District**

A. Lot Coverage: All buildings, including accessory buildings, shall not cover more than thirty percent (30 %) of the area of the lot.

B. Neighborhood Infill Homes shall be setback from property lines as follows:

1. Front yard setbacks. The front setback requirements of the underlying zone shall apply to infill homes. The front setback from the street for any dwelling situated between two existing dwellings (a) on the same side of the street, (b) located within 150 feet of each other, and (c) located less than thirty feet from the front property line may be reduced twenty (20') feet or the same as the average for said two existing dwellings, whichever is the greater setback distance. Attached garages shall be setback a minimum of ten (10') feet from the front main wall of the dwelling.

2. Side yard setbacks. Neighborhood Infill dwellings with a detached rear yard garage are required to have a minimum twelve (12') foot side yard from the side property line, to accommodate a driveway to the required rear parking. The opposite side yard setback is a minimum of six (6) feet. Rear yard detached garages shall be set back a minimum of three (3') feet from the side property line. Side yard attached garages shall be setback no less than six (6) feet from the side property line. Neighborhood Infill corner dwellings shall have a minimum of twenty (20') foot side yard setback from the street property line to the house or detached garage.

3. Rear yard setback. All dwellings shall be located at least 20 feet from the rear property line. All dwellings shall be located at least 20 feet from the door face of any detached garage, with no other point of the garage located closer than 12 feet to the dwelling. Detached garages shall be located at least 3 feet from the rear property line.

4. For the purposes of this Chapter, any garage located closer than twelve (12') feet to the main building shall be considered as part of the main building for determining setback requirements.

5. Setbacks for Neighborhood Infill shall be measured from the foundation of the building, with the exception of interior side yard setbacks which will be measured from any cantilever or bay window, etc., which extends past the foundation of the building.

#### **Section 18.83.060 Height Regulations**

The height of Neighborhood Infill Homes shall be determined by the design criteria, and, consideration given to the existing homes adjacent to the Neighborhood Infill Home. In no case shall a Neighborhood Infill home exceed a height of thirty (30) feet, unless specified in the design criteria.

#### **Section 18.83.070 Density Analysis**

A. The density allowed in the zone in which the Neighborhood Infill permit has been granted shall apply. No Neighborhood Infill subdivision shall be approved if such approval would cause more than six (6) lots to front or be located along one side of a 400 foot block.

B. No Neighborhood Infill subdivision shall be approved if an existing home on the property would be removed or torn down as a result of the subdivision, unless the Heber City Building inspector determines the home is unsafe or a nuisance.

C. Exactly two (2) Neighborhood Infill lots shall be permitted within any subdivision. Neighborhood Infill lots shall not be part of a subdivision containing more than two building lots.

#### **Section 18.83.075 Square Feet Requirements**

The ground or first floor living area of all single story Neighborhood Infill homes shall be at least 900 square feet exclusive of garages, carports and basements. All second stories on Neighborhood Infill Homes shall not be greater than sixty percent (60%) of the first story square footage, unless specified by design criteria. Basements do not qualify as ground floor living area.

#### **Section 18.83.080 Design Requirements**

Each block of Heber City contains homes that have design elements that are unique to that Neighborhood. The purpose of these design requirements are to provide a set of guidelines that will incorporate design elements into the new home, so that the home fits the character of the existing neighborhood. Five main architectural styles have been identified in Neighborhood Infill Overlay. The design criteria have been developed so that new homes built in the overlay will incorporate design elements that are found in these existing styles.

A. Exterior finishes such as wood siding, stone and brick are recommended.

B. Neighborhood Infill Homes should be designed under one of the following Heber Home styles.

1. Heber Craftsman

- a. Required Features
    - i. Maximum roof pitch of 6:12
    - ii. Large front porch with pillars that covers at least 50% of front (at least five (5) feet foot depth)
    - iii. 1<sup>st</sup> story brick or stone facing the street
    - iv. Front door faces street
    - v. At least 1 large window facing the street
    - vi. Detached garage
    - vii. Height max is 30'
    - viii. Brackets under the eaves
  - b. Optional Features
    - i. Two story
    - ii. 2<sup>nd</sup> story wood siding
    - iii. Triangular element in roof
    - iv. 2<sup>nd</sup> story window facing the street
    - v. Basement (encouraged)
2. Heber Plains
- a. Required Features
    - i. 10:12 to 12:12 roof pitch
    - ii. L shaped floor plan
    - iii. Front door faces the street
    - iv. Covered porch at the front door (at least five (5) feet foot depth)
    - v. Large front window on forward part of the home
    - vi. Detached garage
    - vii. Window on 2<sup>nd</sup> story above 1<sup>st</sup> story
    - viii. 2<sup>nd</sup> Story square footage can be equal to ground floor square footage
    - ix. Max Height is 35'
  - b. Optional Features
    - i. Large front covered porch
    - ii. 2<sup>nd</sup> story different color/ material from 1<sup>st</sup> story
    - iii. Two (2) windows on 2<sup>nd</sup> story facing street
    - iv. Basement (encouraged)
3. Victorian
- a. Required Features
    - i. Steep Roof pitch 8:12 to 12:12
    - ii. Ornate woodworking on exterior (Eaves, railing, etc.)
    - iii. Front porch covers 85 % of front living area (at least five (5) foot depth)
    - iv. Wood styled siding
    - v. Front Pop out (bay window ) element
    - vi. Multiple peak elements
    - vii. Maximum height is 30'
  - b. Optional Features
    - i. Use of Arch elements (windows, woodwork, entry, etc.)
    - ii. Second story
    - iii. Curved roof element
    - iv. Round pop out
    - v. Decorative brick features

- vi. Roof dormer
- vii. Basement (encouraged)

4. Heber Bungalow

a. Required Features

- i. Large front porch that covers at least 90% of front (at least five (5) foot depth)
- ii. Large beams supporting porch
- iii. Low pitched Gable roof that slopes toward the front and rear of home
- iv. Maximum roof pitch is 7:12
- v. Wide eave overhang
- vi. Front door faces street
- vii. Brackets under eaves
- viii. 2<sup>nd</sup> story large dormer that is at least 20% of length of roof (if two story)
- ix. Maximum height is 28'

b. Optional features

- i. Brick 1<sup>st</sup> story
- ii. Hipped roof ends
- iii. Detached garage
- iv. Basement (encouraged)

5. Heber Cottage

a. Required features

- i. Front door faces road
- ii. Porch that is at least 20% of length of home frontage (at least five (5) foot depth)
- iii. At least two roof peaks facing the road
- iv. Elevated main floor
- v. At least two (2) large windows on main floor facing street
- vi. Maximum roof pitch of 8:12
- vii. Maximum height is 25'

b. Optional Features

- i. Second story dormer
- ii. Side entry recessed facing the street
- iii. Basement
- iv. Different color trim around doors and windows

6. Neighborhood Cottage

- a. This option will give the applicant the option of designing a home that includes design features from the defined home styles, yet not using all the design features from one particular style.
- b. Home must include features found in close proximity to the new home, and design shall be similar to homes in neighborhood.
- c. Home must preserve historic nature of downtown.

### **Section 18.83.090 Garage and Parking Requirements**

A. Neighborhood Infill parking requires two (2) off-street parking spaces per unit located within a garage or area containing at least 440 square feet. The two required parking spaces shall be located and setback as specified for a garage in section 18.83.050.

B. At least 50% of the width of a structure containing a Neighborhood Infill home with an attached garage shall be living space.

C. Neighborhood Infill homes on adjoining lots shall not have the accompanying garages built along the same or alternating side property lines (the site plan for each lot must have the garage on the same side: north-north, east-east, etc.).

D. Garages shall be built with a foundation and hard surface driveway.

E. Neighborhood Infill lots are required to have a hard surface driveway.

### **Section 18.83.100 Landscaping Requirements**

A. Neighborhood Infill lots shall have a minimum of two (2) feet landscaped or shrub area between the property line and the driveway to the rear.

B. Applicant shall supply a landscaped plan or plot plan in conformance with Chapter 18.76, Landscaping.

C. Neighborhood Infill lots shall provide at least two (2), two and one half (2 1/2) inch plus inch caliper trees in the front yard per unit.

D. Front yard landscaping shall be installed within nine (9) months of obtaining the occupancy permit.

E. Rear yard landscaping shall be installed as per city wide ordinance requirements.

F. A landscaping strip shall be placed between the sidewalk and the street.

### **Section 18.83.110 Site Plan**

Site plans for a building permit for a Neighborhood Infill home shall show required landscaping, the total square footage calculations for the dwellings, and landscape areas.

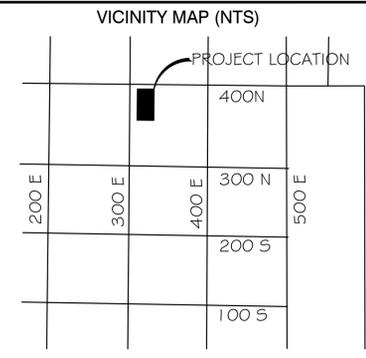
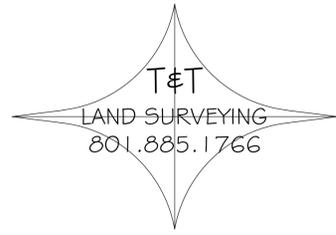
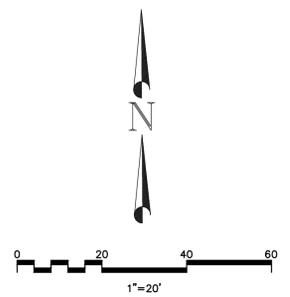
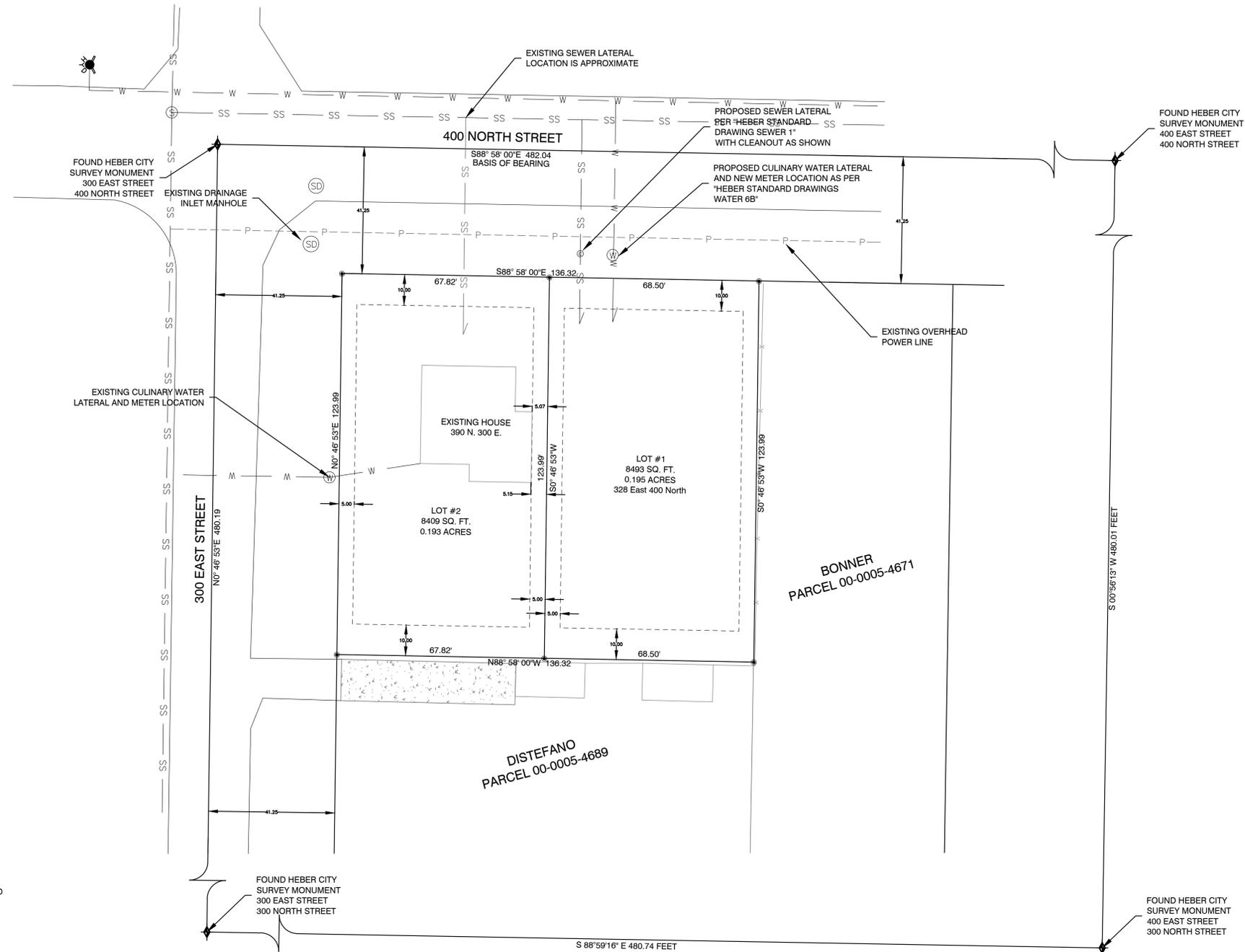
### **Section 18.83.115 Required Procedures for Approval of Design**

The following steps or procedure must be followed in order to obtain approval of building permit for a Neighborhood Infill home:

A. Applicant shall provide front, rear, and side elevations, floor plans and a landscaping plan for the proposed home to be built upon the new Neighborhood Infill lot. Staff shall determine if the application meets the design and compatibility criteria set forth in 18.83.

B. Staff shall determine if all design elements, both landscaping and building, are included in the design. If staff feels that the criteria has been met, they will grant approval. If the design criterion has not been met, the applicant shall make the needed changes to the application. Applicant may seek appeal from Heber City's Board of Appeals regarding design criteria.

**HEBER HOMES NO.9 SUBDIVISION**  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 5 EAST  
 SALT LAKE BASE AND MERIDIAN  
 A PART OF BLOCK 123 OF THE HEBER CITY SURVEY OF BUILDING LOTS



**WASATCH COUNTY SURVEYOR**

Approved as to form this \_\_\_\_ day of \_\_\_\_\_, A.D. 2014

ROS # \_\_\_\_\_

\_\_\_\_\_  
 Wasatch County Surveyor

**HEBER CITY ACCEPTANCE AND APPROVAL**

The City Council of Heber City, Utah, Wasatch County, Utah, approves this subdivision subject to the conditions and restrictions stated herein, and hereby accepts all easements, and parcels of land intended for public purposes for the perpetual use of the public this \_\_\_\_ day of \_\_\_\_\_, A.D. 2014.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Clerk-Recorder

**CITY ENGINEER APPROVAL**

Approved this \_\_\_\_ day of \_\_\_\_\_, A.D. 2014, by the City Engineer of Heber City.

\_\_\_\_\_  
 City Engineer

**PLANNING COMMISSION APPROVAL**

Approved this \_\_\_\_ day of \_\_\_\_\_, A.D. 2014, by the Planning Commission of Heber City.

\_\_\_\_\_  
 Chairman, Planning Commission

**SURVEYOR'S CERTIFICATE**

I, Travis J. Daley do hereby certify that I am a Professional Land Surveyor and That I hold certificate No. 6387184 in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act. I further certify that, by the authority of the owner, I have completed a survey of the tract of land shown hereon in accordance with Section 17-23-17. That I have verified all measurements and have placed monuments as represented on this plat.



Travis J. Daley, P.L.S. Date \_\_\_\_\_

**BOUNDARY DESCRIPTION**

THE WEST 136.32 FEET OF THE NORTH 123.99 FEET OF LOT 3, BLOCK 123, HEBER CITY SURVEY OF BUILDING LOTS.

**OWNER'S DEDICATION**

We, the undersigned owners of all the real property depicted on this plat and described in the Surveyor's Certificate have caused the land described hereon to be divided into lots, easements and other public uses as designated hereon, and now do hereby dedicate under provision of 10-9-807 Utah Code, without condition, restriction, or reservation, to Heber City, Utah, all Easements together with all improvements required by the development agreement between the undersigned and Heber City for the benefit of the City and the inhabitants thereof.

\_\_\_\_\_  
 Date

**ACKNOWLEDGMENT**

STATE OF UTAH )  
 ) S.S.  
 COUNTY OF WASATCH )

On the \_\_\_\_ day of \_\_\_\_\_, A.D. 2013 personally appeared before me, the undersigned notary public, the signer of the above Owner's Dedication, who duly acknowledged to me that he signed it freely and voluntarily and for the uses and purposes therein mentioned.

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission expires \_\_\_\_\_

- LEGEND**
- BOUNDARY LINE \_\_\_\_\_
  - PUBLIC UTILITY EASEMENT - - - - -
  - SET 5/8"X24" BAR AND CAP MARKED "PLS 6387184" \* ●
  - EXISTING FIRE HYDRANT
  - HEBER CITY SURVEY MONUMENT AS NOTED
  - EXISTING WATER METER
  - EXISTING SEWER MANHOLE
  - EXISTING STORM DRAIN MANHOLE

**HEBER HOMES NO.9 SUBDIVISION**  
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 3 SOUTH, RANGE 5 EAST  
 SALT LAKE BASE AND MERIDIAN  
 A PART OF BLOCK 123 OF THE HEBER CITY SURVEY OF BUILDING LOTS

**WASATCH COUNTY RECORDER**

HEBER CITY PLANNING COMMISSION

Meeting date: April 10, 2014

Report by: Anthony L. Kohler

**Re: Red Ledges Phase 2C**

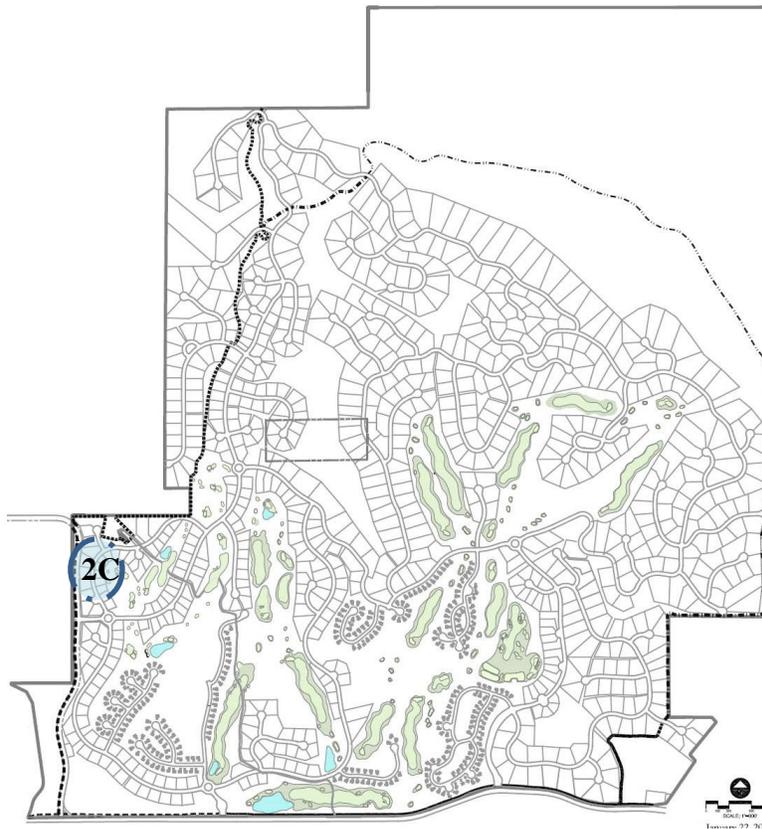
Red Ledges is proposing Phase 2C, consisting of 9 traditional lots. The lots backup to the future Bypass Road and will have a trail along the western edge of this plat. The Master Plan Agreement requires that the Bypass Trail be constructed with the Bypass, by October 31, 2016.

**RECOMMENDATION**

The proposed Phase 2C is consistent with the Red Ledges Master Plan, the PC Planned Community Zone, Interlocal Agreement, and Master Plan Agreement, conditional upon the following:

1. A temporary turnaround will need to be provided at the north end of Haystack Mountain Drive;
2. Prior to recording the plat, developer shall:
  - a. Provide an updated title report;
  - b. Provide addresses for the lots; and
  - c. Provide a tax clearance from county assessor.

**Vicinity Map**



April 2, 2013

Heber City Corporation  
Attn: Bart Mumford P.E.  
75 North Main  
Heber City, Utah 84032

**Subject: Red Ledges Phase 2C – Review**

Dear Bart:

Horrocks Engineers recently reviewed the plat for Red Ledges Phase 2C. The following items should be addressed.

**General**

- The final plans have not yet been submitted. Any redline comments for these plans will need to be addressed and incorporated into the plans.
- The plat needs to show monuments and addresses.
- A temporary turn around will need to be added to the end of the cul-de-sac.

**Storm Drain**

- A storm drain report and final design needs to be submitted and reviewed.
- The drainage behind lots 336-339 and Phase 2B needs to be addressed with this phase. A swale or storm drain pipe may need to be added between lot 339 and Phase 2B. We can work through this with Wilding Engineering.

Please call our office with any questions or concerns regarding this project.

Sincerely,

HORROCKS ENGINEERS



Willa Motley

cc: file  
Wilding Engineering  
Red Ledges  
Heber Planning Department

# RED LEDGES PHASE 2C: THE VILLAS AT RED LEDGES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 33,  
TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE  
AND MERIDIAN  
WASATCH COUNTY, UTAH

## SURVEYORS CERTIFICATE

I, GREGORY D. WILDING, REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 6418982, AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, OWNERS I HAVE MADE A SURVEY OF THE PARCELS OF LAND SHOWN ON THIS PLAN AND DESCRIBED HEREON AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAN.



## PROPERTY DESCRIPTION:

BEGINNING AT A POINT SOUTH 89°22'35"W WEST 1174.66 FEET AND SOUTH 10°25'00" FEET FROM THE SOUTH QUARTER CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE SOUTH 69°02'08" EAST 185.10 FEET; THENCE SOUTH 71°38'34" EAST 50.13 FEET; THENCE EAST 180.48 FEET; THENCE SOUTH 38°09'05" EAST 86.4 FEET TO A POINT ON THE RED LEDGES PHASE 2B; THENCE SOUTH 15°54'55" WEST 128.03 FEET; THENCE SOUTH 15°54'55" WEST 72.81 FEET; THENCE SOUTH 00°33'56" COURSE; (1) SOUTH 90°17'42" WEST 122.00 FEET; (2) NORTHWESTERLY 35.28 FEET ALONG THE ARC OF A 775.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS NORTH 41°33'46" WEST 35.27 FEET); (3) NORTHWESTERLY 6.08 FEET ALONG THE ARC OF A 175.00 FOOT RADIUS CURVE TO THE RIGHT (CHORD BEARS NORTH 41°33'46" WEST 6.08 FEET); (4) SOUTH 89°22'35" WEST 80.00 FEET; (5) NORTHWESTERLY 32.88 FEET ALONG THE ARC OF A 160.00 FOOT RADIUS CURVE TO THE LEFT (CHORD BEARS NORTH 15°54'55" WEST 32.88 FEET); (6) SOUTH 63°00'23" WEST 151.65 FEET; (7) SOUTH 23°17'06" WEST 20.43 FEET; THENCE LEAVING SAID BOUNDARY, NORTHEASTERLY 515.57 FEET ALONG THE ARC OF A 289.933 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (CHORD BEARS NORTH 00°06'00" EAST 514.90 FEET); TO THE POINT OF BEGINNING.

CONTAINS 3.03 ACRES, MORE OR LESS.

## PROPERTY DESCRIPTION:

THE BASIS OF BEARING FOR THIS PLAN IS NORTH 89°02'38" EAST BETWEEN THE SOUTH QUARTER CORNER OF SECTION 28 AND THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 3 SOUTH, RANGE 5 EAST, SALT LAKE BASE AND MERIDIAN.

## NARRATIVE:

THIS PROPERTY IS AN INTERNAL PHASE OF THE RED LEDGES PROJECT. SEE THE RECORD OF SURVEY ON FILE WITH THE WASATCH COUNTY SURVEYORS OFFICE FOR THE BOUNDARY SURVEY OF THE RED LEDGES PROJECT.

## OWNERS DEDICATION AND CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED IS THE OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS, HEREAFTER TO BE KNOWN AS RED LEDGES PHASE 2C: THE VILLAS AT RED LEDGES, DOES HEREBY DEDICATE TO RED LEDGES COMMUNITY ASSOCIATION, INC. ALL PARCELS OF LAND AND EGRESS OF THE LOT OWNERS WITHIN THE RED LEDGES COMMUNITY AND DOES HEREBY SET ASIDE ALL PARCELS OF LAND DESIGNATED AS OPEN SPACE FOR SUCH USE BY RED LEDGES COMMUNITY ASSOCIATION, INC. AND IN ACCORDANCE WITH SUCH RULES AND REGULATIONS FOR RED LEDGES AND SUBJECT TO AND IN ACCORDANCE WITH SUCH RULES AND REGULATIONS FOR RED LEDGES AND SUBJECT TO AND IN ACCORDANCE WITH SUCH RULES AND REGULATIONS FOR RED LEDGES COMMUNITY ASSOCIATION, INC.

ALSO, THE OWNER HEREBY GRANTS TO WASATCH COUNTY, HEBER CITY, TWIN CREEKS SSD AND WASATCH COUNTY FIRE DISTRICT, A NON-EXCLUSIVE EASEMENT OVER PRIVATE ROADS, PRIVATE TRAILS, UTILITY LINES, AND UTILITIES, INCLUDING BUT NOT LIMITED TO, MAINTENANCE, OPERATION, AND REPLACEMENT OF SUCH UTILITIES, AND DOES NOT GRANT ANY OTHER RIGHTS AND INTERESTS IN THE TRACT OF LAND DESCRIBED HEREON FOR THE PURPOSE OF PROVIDING UTILITY INSTALLATION, MAINTENANCE, OPERATION, AND REPLACEMENT.

ALSO, ALL PUBLIC TRAILS SHOWN ON THIS PLAN ARE HEREBY DEDICATED FOR USE BY THE PUBLIC IN PERPETUITY.

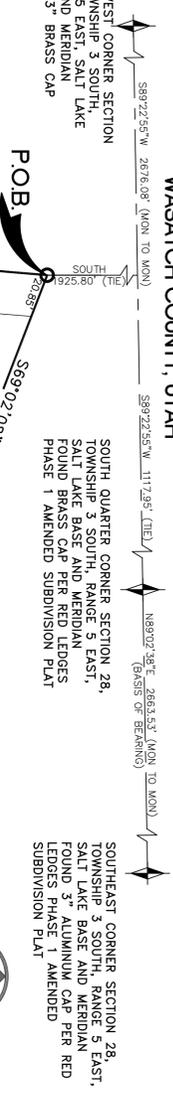
## ACKNOWLEDGMENT

EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY: RED LEDGES LAND DEVELOPMENT, INC.,  
A FLORIDA CORPORATION  
ITS VICE PRESIDENT, TODD R. GATES

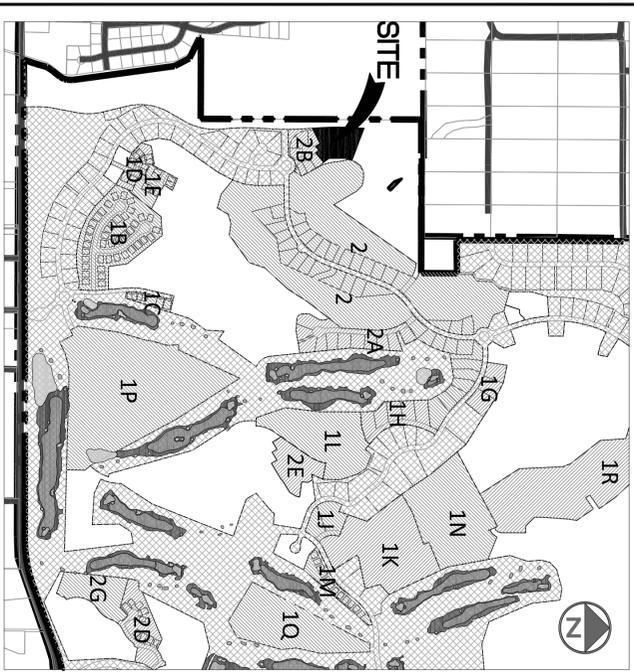
STATE OF UTAH }  
COUNTY OF WASATCH }  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
BY \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
NOTARY PUBLIC:  
MY COMMISSION EXPIRES: \_\_\_\_\_  
RESIDING AT: \_\_\_\_\_

## RECORDED

ENTRY NO. \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ WASATCH  
DATE \_\_\_\_\_ TIME \_\_\_\_\_  
RECORDED AND FILED AT THE REQUEST OF: \_\_\_\_\_



CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	141.07'	200.00'	40°24.47'	S20°10'15"E	134.16'
C2	121.50'	310.00'	22°27.25'	S11°15'51"W	120.23'
C3	106.14'	225.00'	27°01.45'	S13°28'44"E	100.16'
C4	123.43'	175.00'	40°24.47'	S20°10'15"E	120.89'
C5	64.60'	225.00'	16°19'15"	S18°49'59"E	63.88'
C6	42.05'	225.00'	10°42.30'	S05°19'07"E	41.99'
C7	79.64'	175.00'	26°04.30'	S27°20'23"E	78.96'
C8	43.79'	175.00'	14°20'16"	S07°08'00"E	43.68'
C9	129.50'	335.00'	22°08'52"	S17°06'34"W	128.69'
C10	113.51'	285.00'	22°49'14"	S17°26'45"W	112.76'
C11	55.00'	335.00'	9°24.25"	S04°44.27"W	54.94'
C12	74.49'	335.00'	12°44.27"	S15°48'47"W	74.34'
C13	3.91'	285.00'	0°47'10"	S00°25'43"W	3.91'
C14	109.60'	285.00'	22°02'04"	S17°50'20"W	108.93'
C15	468.97'	2900.00'	9°15'48"	S00°23'53"W	468.46'
C16	73.42'	2900.00'	12°70.2"	S03°30'34"E	73.42'
C17	101.82'	2900.00'	2°00.42"	S01°46'42"E	101.82'
C18	94.82'	2900.00'	1°52.24"	S00°09'51"W	94.82'
C19	102.66'	2900.00'	2°01.42"	S02°06'55"W	102.66'
C20	96.24'	2900.00'	1°54.05"	S04°04'48"W	96.24'



## LEGEND

- SECTION LINE
- FOUND SECTION CORNER
- SET 5/8 REBAR AND CAP (WELDING ENGINEERING)
- PROPERTY LINE
- STREET MONUMENT (TO BE SET)
- FOUND STREET MONUMENT

NOTE:  
-REAR LOT CORNERS TO BE SET WITH WILDING ENGINEERING REBAR AND CAP.  
-FRONT LOT CORNERS TO BE SET WITH RIVET IN CURB AT EXTENSION OF PROPERTY LINE.

BUILDING SETBACKS PER TABLE BELOW

LOT SIZE	FRONT SET	SIDE SET	REAR SET
6,000 - 20,000 SF	10 FEET	5 FEET	20 FEET

SUBSTANTIAL SETBACK NOTES:  
1. 20 FEET TOTAL WITH NO LESS THAN 10 FEET ON ONE SIDE.

G:\DATA\10093 Red Ledges.dwg Plat\PL Phase 2C Plat.dwg  
PLOT DATE: Mar 31, 2014

**WILDLING**  
ENGINEERING  
14721 SOUTH HERMAN CREEK WAY  
BLUFFDALE, UTAH 84065  
801-552-5248  
WWW.WILDLINGENGINEERING.COM

APPROVAL AS TO FORM  
APPROVED AS TO FORM ON: \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
HEBER CITY MAYOR

COUNTY SURVEYOR  
APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
ROSE \_\_\_\_\_  
COUNTY SURVEYOR

APPROVAL AS TO FORM  
APPROVED ON: \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
TWIN CREEKS SPECIAL SERVICE DISTRICT MANAGER

APPROVAL AS TO FORM  
APPROVED AND ACCEPTED BY:  
THE HEBER CITY PLANNING CHAIRMAN,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
CHAIRMAN

Heber City Planning Commission  
Report by: Anthony L. Kohler  
Date: April 24, 2014

**Re: Valley Heights Subdivision Concept at 1050 North Mill Road**

The petitioner is proposing subdivision concept for property located at 1050 North Mill Road. The property was annexed into the city within the last few years and is subject to an annexation agreement as attached. The property is zoned R-1 Residential, requiring a minimum 100 feet of frontage and 10,000 square feet per lot.

The proposed subdivision provides open space along Valley Hills Boulevard, with 1 lot fronting that street, which is designated as a Minor Collector Street. The proposed subdivision has fewer lots than originally proposed at annexation because the lot layout now better reflects the natural drainage channel traversing through the property. Lot 20, while oddly shaped, is 100 feet wide at the front setback and meets the requirements of the code, and has a sufficient area for a home to be built consistent with the requirements of the code. Lot 6, 7, and 8 are less than 100 feet wide, but as per Section 18.68.175, subdivisions providing open space along a collector street may reduce the lot widths by up to 25%, and these lots exceed the minimum 75 feet width.

The development will eventually be changed to a different water pressure zone and will need to install the appropriate waterlines so that transition can take place in the future. The Stone Creek Development will install the necessary lines to make it possible for the future water pressure zone to be put in place.

**RECOMMENDED MOTION**

Motion to approve the proposed concept as consistent with Title 17 Subdivisions, Chapter 18.52 R-1 Residential Zone, Section 18.68.175 Open Space, conditional upon meeting the requirements of the Annexation Agreement summarized as follows:

1. Establishment of Home Owner's Association and/or other mechanism for maintenance of the storm drain basin and drainage channel.
2. Establish CCRS requiring consistent fencing color and material in the subdivision
3. Developer overlay the existing asphalt in the annexation's frontage along Mill Road and 1050 North with a 2 inch asphalt overlay.
4. Developer may be responsible to reimburse other developers for off-site utilities that serve this subdivision.
5. Development provide the necessary water lines for connection to the future water pressure zone and connect the subdivision to the 12 inch water line at approximately 900 North Mill Road.
6. Developer provide a 20-foot wide easement for access to the water tank.
7. Canal be lined with concrete.

**Section 18.68.175 Open Space**

**A.** When a proposed subdivision which adjoins a collector or arterial street as identified on the Heber City Master Street Plan, or adjoins a water feature such as a canal, stream, flood channel or other critical feature as determined by the City Council, the minimum required area and street frontage widths of the lots within the subdivision may be reduced by up to 25 percent of the usual requirement to accommodate dedicated open space along said features.

**B.** The City Council may permit, through a special exception, a rear yard setback reduction of up to 5 feet and/or front yard setback reduction of up to 5 feet to accommodate these open space features, if in the opinion of the City Council such reduction is necessary to accommodate, protect or enhance the open space feature. Such reduction must be approved by the City Council through the subdivision process, and the reduction shall be noted upon the subdivision plat, stating which lots are affected and the approved setback distances. It is the responsibility of the developer to prove that the setback reduction is necessary to accommodate the open space.

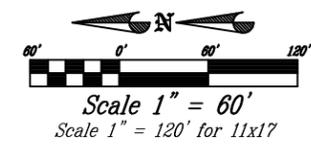
**C.** No density bonuses shall be granted as a result of this Section (i.e. if 10 lots are permitted before the lot size reduction, 10 lots are permitted after the lot size reduction).

**D.** This Section shall not apply to cottage home lots.



**LAND USE CALCS**  
 ZONE: R-1 RESIDENTIAL  
 AREA: 21.54 ACRES  
 # OF LOTS: 28 LOTS  
 OPEN SPACE: 1.95 ACRES (9.05%)

**LEGEND**  
 SLOPES 25% OR GREATER  
 OPEN SPACE  
 PROPOSED TREES



THIS DOCUMENT IS INCOMPLETE AND IS RELEASED TEMPORARILY FOR INTERM REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.  
 PAUL D. BERG P.E.  
 SERIAL NO. 295595  
 DATE: 20 FEB 2014

MILLSTREAM PROPERTIES  
**VALLEY HILLS PROPERTY**

CONCEPT PLAN

**BERG ENGINEERING**  
 RESOURCE GROUP, P.C.  
 380 E Main St. Suite 204,  
 Midway, Ut 84049  
 ph: (435) 657-9749

DESIGN BY: PDB DATE: 20 FEB 2014 SHEET  
 DRAWN BY: PDB REV: 1

ANNEXATION AGREEMENT  
AND  
COVENANT RUNNING WITH THE LAND  
(Anderson Annexation)

THIS AGREEMENT entered into this 7 day of May, 2008, by and between Heber City, hereinafter referred to as "City" and the undersigned as "Developer".

WHEREAS, the petitioner has proposed annexation of 14.05 acres as shown in Exhibit A; and

WHEREAS, unique conditions exist resulting from the features on and around the property and the layout and design proposed by the developer; and

NOW, THEREFORE, the parties hereby agree as follows:

1. Subdivision improvements shall include burying of all overhead utility lines in the property and along all street frontage of the property;
2. Developer shall establish restrictive covenants requiring consistent fencing material and color within the subdivision;
3. Developer shall overlay the existing asphalt pavement within the annexation's frontage along Mill Road and 1050 North with a 2 inch overlay and widen and dedicate land to construct both street segments to the city's adopted standards and at a right of way width no less than 60 feet;
4. The developer of the property shall, at the time of development of the property, transfer to the City all required water rights necessary for said development.
5. Developer shall construct streets and utilities to property lines;
6. Developer shall comply with Chapter 18.102 of Heber City Code (the Affordable Housing Ordinance), through participation with the Wasatch County Housing Authority.
7. Developer is responsible for reimbursement to other developers for installation of off-site utilities that serve this property;
8. Developer is responsible to connect the development within the annexation area to the 12-inch water line at approximately 900 North Mill Road;
9. Development of the property is conditional upon prior connection of the Lindsay water tank from Center Street to 900 North Mill Road;

10. Developer shall provide a 20 foot easement for access to, and participate in construction of, an access road and water line from Mill Road to the Valley Hills 1 Water Tank that is acceptable to Heber City; Development within the annexation area is contingent upon the developer lining the canal with concrete within the annexation area or taking other measures to protect the homes within the annexation area from canal leaks;
11. Developer is responsible for acquiring and paying for any necessary off site easements or dedications, and off site utility construction for connection and servicing of the development with utilities that meet current standards, including, but not limited to sewer, water, secondary irrigation, streets, electricity, gas, and cable television;
12. At Developer's expense, existing utilities shall be relocated into future public right of ways as needed to avoid conflict with the developer's proposed building pads street alignments, and other required subdivision improvements;
13. This Agreement contains the entire agreement between the parties, and no statement, promise or inducement made by either party hereto, or agent of either party hereto which is not contained in this written Agreement shall be valid or binding; and this Agreement may not be enlarged, modified or altered except in writing approved by the parties.
14. This Agreement shall be a covenant running with the land, and shall be binding upon the parties and their assigns and successors in interest. This Agreement shall be recorded with the Wasatch County Recorder;
15. In the event there is a Failure to Perform under this Agreement and it becomes reasonably necessary for either party to employ the services of an attorney in connection therewith (whether such attorney be in-house or outside counsel), either with or without litigation, on appeal or otherwise, the prevailing party to the controversy shall be entitled to its reasonable attorney's fees incurred by such party and, in addition, such costs and expenses as are incurred in enforcing this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year this agreement was first above written.





## Anderson Annexation Boundary Description

Beginning at the Wasatch County Survey Monument for the Southeast Corner of Section 29, Township 3 South, Range 5 East, Salt Lake Base and Meridian; and running thence South 901.66 feet to a point on the present city boundary of Heber City and evidenced by the Brown Annexation (see entry number 200282 of official records); thence West 193.25 feet along said Brown Annexation to a point on the present city boundary of Heber City as evidenced by the Valley Hills Estates Plat C Annexation (see entry number 113547 of official records); thence along the present city boundary of Heber City as evidenced by said Valley Hill Estates Plat C Annexation and the Valley Hills Estates Plat D Annexation (see entry number 113548 of official records) the following three (3) courses: (1) thence North 901.66 feet; (2) thence West 136.75 feet; (3) thence North  $00^{\circ}27'53''$  West 1323.84 feet to a point on the southerly boundary of Buckwheat Subdivision (see entry number 220600 of official records); thence South  $89^{\circ}37'00''$  East 336.61 feet along said southerly boundary; thence South  $00^{\circ}10'45''$  East 1321.55 feet along the westerly boundary of Wasatch View Acres Subdivision to the point of beginning.

Containing 14.120 acres

Heber City Planning Commission  
Meeting date: April 24, 2014  
Report by: Anthony L. Kohler

**Re: Questar Facility at 167 West Center Street**  
**1. Amendment to General Plan**  
**2. Amendment to Zoning Map**  
**3. Amendment to RC-Zone**

Questar has abandoned their facility in Heber City and moved their regional headquarters to Summit County. Questar is marketing this property for sale. The property is currently located within the R-3 Residential Zone and Infill Overlay Zone. A potential buyer would like to use the property as an office for a development company and with Questar, have petitioned for a change to the General Plan, Zoning Map, and the R-C Overlay Zone. April 24 is set as a public hearing to consider these formal requests.

**General Plan Amendment**

First, the petitioner is requesting to amend the General Plan to designate the south side of the Center Street block between 100 West and 200 West as future R-C Residential Commercial.

**Recommended Motion:** Motion to recommend approval of the proposed amendment to the General Plan to designate Center Street from 100 West to 200 West on the south side of Center Street, within Block 80 as future R-C Residential Commercial Overlay Zone.

**Zone Map Amendment**

Second, the petitioner is requesting to rezone only the Questar property at 167 West Center Street by applying the R-C Residential Commercial Overlay Zone to that property. Since the rezone is consistent with the General Plan Amendment proposed above, it would not be considered a spot zone.

**Recommended Motion:** Motion to recommend approval of the proposed zoning map amendment to rezone property located at 167 West Center Street on Block 80 (old Questar Facility) to apply the R-C Residential Commercial Overlay Zone.

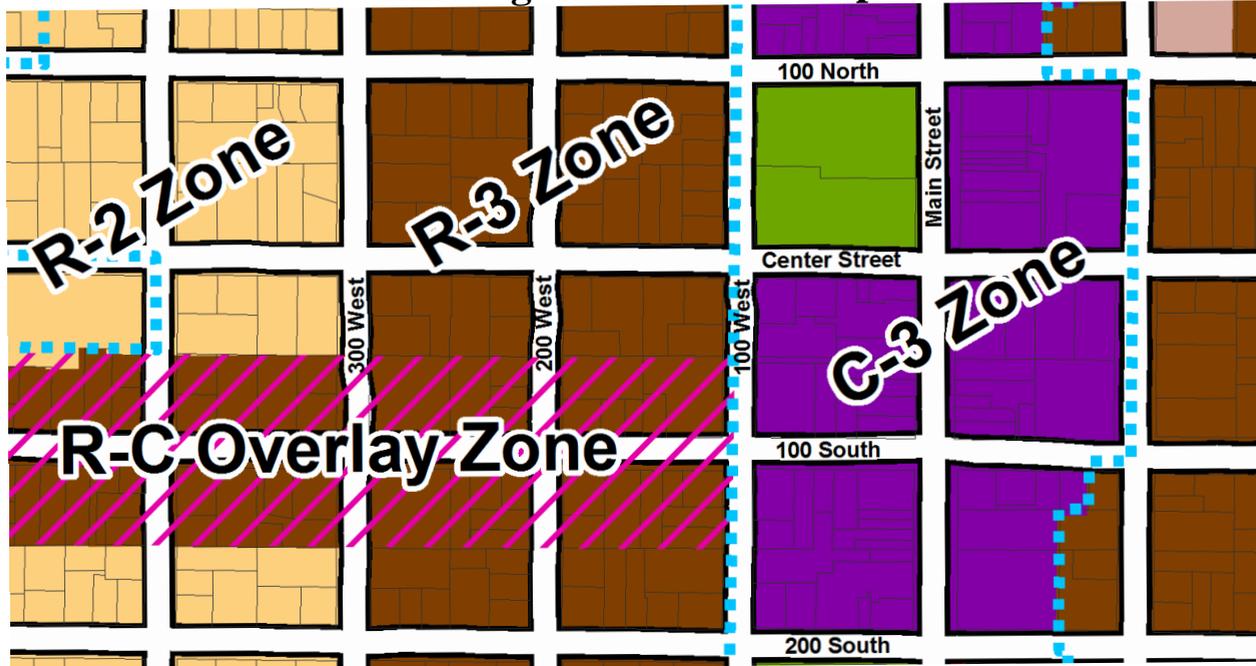
**Zoning Ordinance Amendment**

Third, staff is suggesting the changes as shown in the attached ordinance that specifies the R-C Overlay Zone can apply to other streets as shown in the General Plan besides just 100 South, and modifying the permitted uses to clarify that a real estate development office is a permitted use.

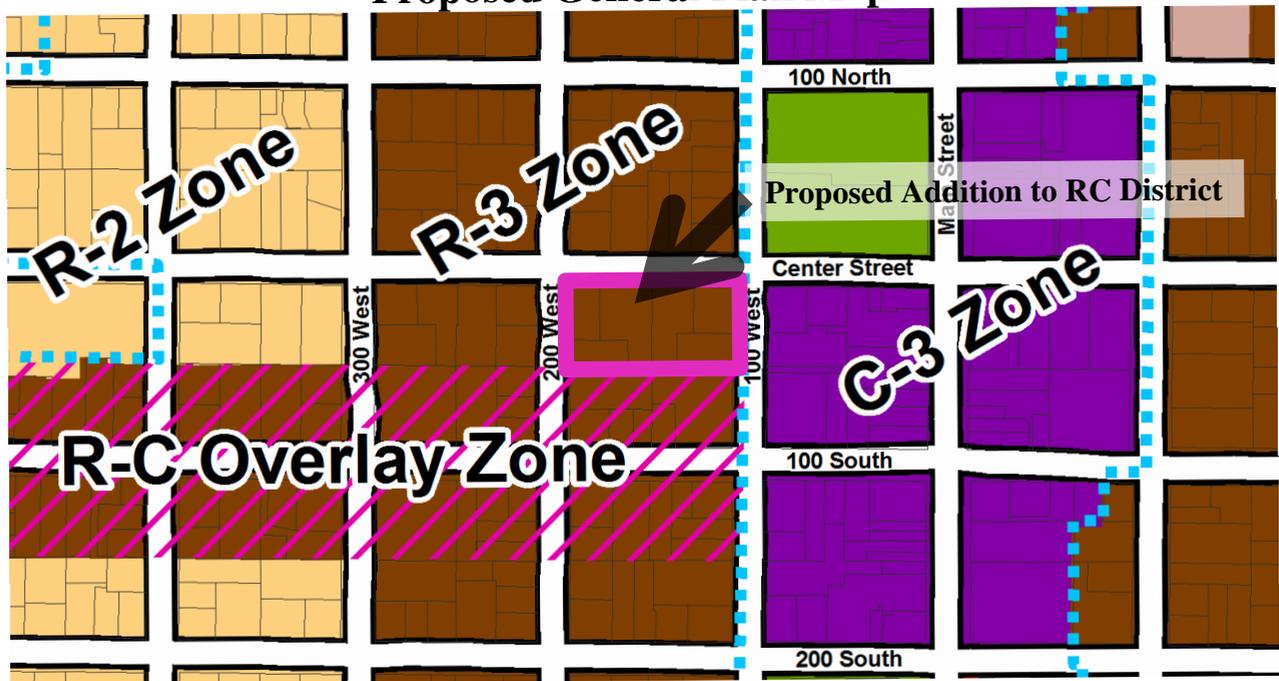
**Recommended Motion:** Motion to recommend approval of the proposed amendment to Chapter 18.50 the R-C Commercial Overlay Zone, altering the Objectives and Characteristics in Section 18.50.010 and the Permitted Uses in Section 18.50.020.

Proposed Amendment to the General Plan Map 100 to 200 West Center Street  
April 1, 2014

Existing General Plan Map

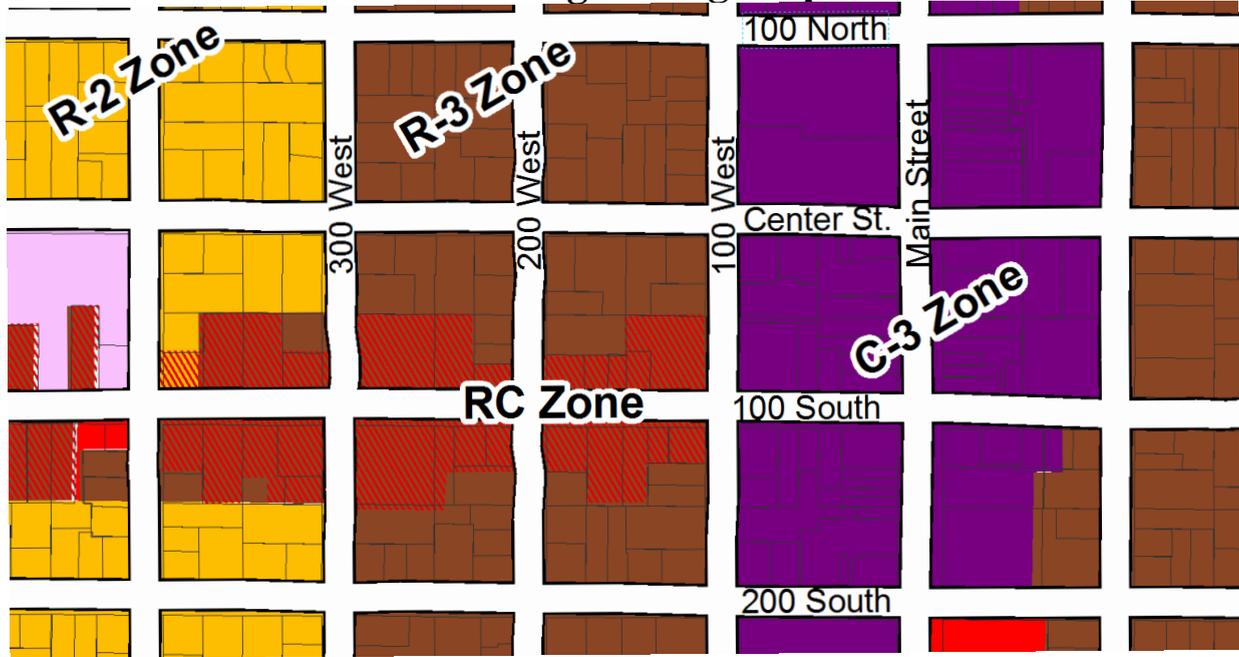


Proposed General Plan Map

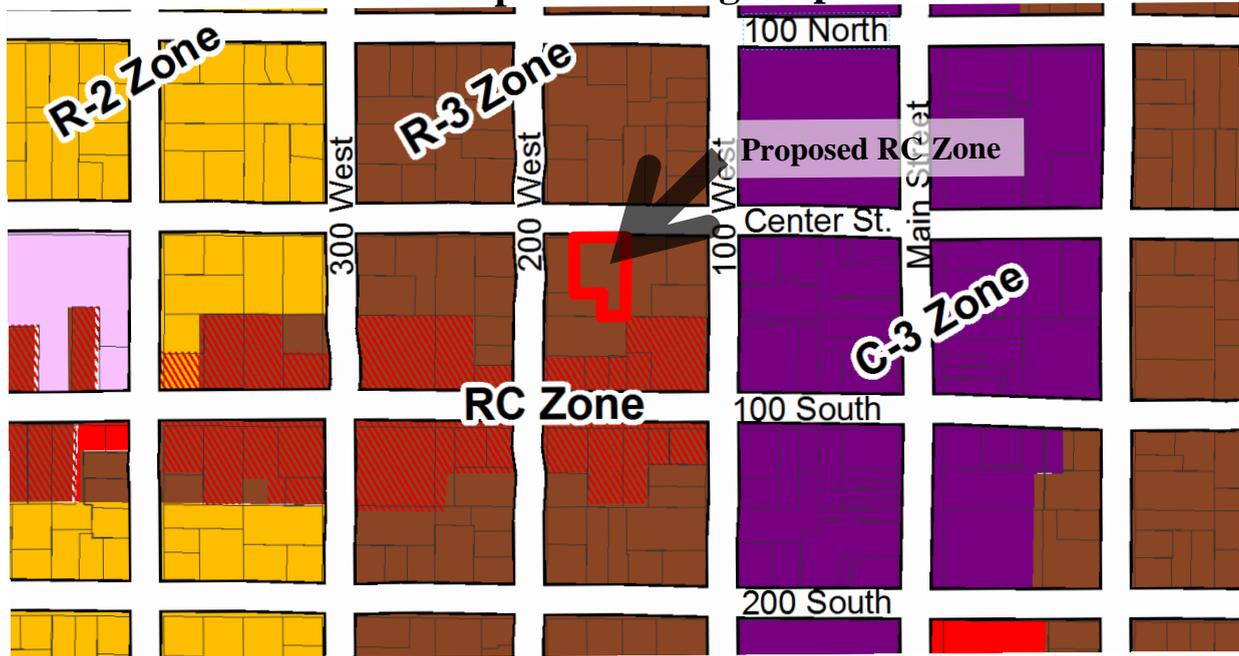


Proposed Amendment to the Zoning Map 100 to 200 West Center Street  
April 1, 2014

Existing Zoning Map



Proposed Zoning Map



1 **Proposed Amendment to Chapter 18.50 RC - Residential Commercial Zone**

2 April 1, 2014

3  
4 **Section 18.50.010 Objectives and Characteristics**

5 A. The RC Zone has been established as a residential/commercial zone. The area is  
6 primarily for residential use. It is intended that future use of this area will include additional  
7 selective commercial activities. Those who desire to establish a business presence, must help  
8 maintain the residential look and feel that presently exists in the area.

9 B. "Residential look" as defined for the purposes of this ordinance is primarily a single  
10 family, relatively small individual residential structure. Structures should utilize an architectural  
11 style of the late 1800 or early 1900's, including porches, gable roofs, and exterior finishes of stone,  
12 brick, or stucco.

13 C. The RC Zone is characterized by a ~~wide~~, clean, well landscaped road ~~known as 100~~  
14 ~~South, aka Midway Lane, with a residential character.~~ All property for use in this zone is required  
15 to front 100 South, upon the road upon which the RC Zone parallels as shown on the Official Zone  
16 Map (i.e. 100 South, Center Street). New development in this area must maintain a residential  
17 look through the use of brick, stone or other approved material. Residences converted to business  
18 use must maintain the residential look.

19 D. In order to accomplish the goals and objectives of this section and to promote the  
20 characteristics of this Zone, the regulation set out in this Chapter shall apply in the RC Zone.

21  
22 **Section 18.50.020 Permitted Uses.**

23 The following uses shall be permitted in the RC Zone.

24 A. Single Family Residential Use

25 B. Bed and Breakfast Inns

26 C. Music and Dance Studios

27 D. Office use, such as: attorneys, public accountants, architects, real estate and land  
28 development and doctor's offices

29 E. Craft and Curio Shops

30 F. Photography Shops and related uses

31 G. Business and Computer Schools

32 H. Home Occupations - see code for conditions and limitations

33 I. Travel Agencies

34 J. Utility Office

35 K. Nursery schools, family day care, mini-day care, and day care centers if they meet  
36 the conditions set forth in Chapter 18.86.

37  
38 **Section 18.50.030 Area, Width, Height and Location Requirements**

39 A. Setbacks shall be as set forth in the R-3 Zone

40 B. The maximum height of all structures shall be thirty-five feet

41  
42 **Section 18.50.040 Special Requirements.**

43 Those who desire to convert homes, lots or other buildings to commercial use shall  
44 maintain a residential type landscaping. Care must be exercised when proposing changes in  
45 buildings or lots, that objectives and characteristics of the Zone are not impacted nor altered.

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**Section 18.50.050     Supplementary Regulations.**

Regulations relating to driveways, parking etc. contained elsewhere in the Zoning and Subdivision Ordinances will apply.

**Section 18.50.060     Landscaping and Parking.**

All lots within the Zone shall be landscaped with shrubs, trees and ground cover. One driveway per lot with a minimum width of 10 feet will be permitted and one off-street parking stall shall be required, not in the front or side yards, for every 800 square feet of commercial floor space.

**Section 18.50.070     Lighting**

Lighting in rear parking lots shall meet residential lighting standards found in Heber City's Standard Specifications.

**Section 18.50.080     Visual Screening.**

All commercial lots within the zone shall have a six foot rear sight obscuring fence.

Heber City Planning Commission  
Meeting date: April 24, 2014  
Report by: Anthony L. Kohler

**Re: Vacancy/Maintenance Agreement Section 111 C-2 & C-4 Design Criteria**

**BACKGROUND**

In review of the recent Labrum Automotive and TSC development proposals, the Planning Commission discussed the potential for altering the threshold for when a vacancy and maintenance agreement is required for larger scale retail stores. Currently the C-2 & C-4 Design Criteria require an agreement for buildings larger than 15,000 square feet. The C-2, C-3, C-4, and I-1 Zones limit the gross floor area of retail buildings to no more than 60,000 square feet. The MURCZ Zone (Walmart area) requires buildings larger than 60,000 square feet to enter into a Vacancy/Maintenance Agreement. See C-2 Zone Section 18.28.050 E., C-3 Zone Section 18.36.040 F., C-4 Zone Section 18.40.030 B., I-1 Zone Section 18.44.030 C., and MURCZ Zone Section 18.42.110. Only the C-2 and C-4 Zones require a Vacancy/Maintenance agreement for buildings over 15,000 square feet.

The Planning Commission discussed potentially increasing the 15,000 square foot requirement to 30,000, 40,000, or 50,000 square feet. I recommend removing the entire Section 111 of the C-2 & C-4 Design Criteria to be business friendly for smaller businesses in areas that are adjacent to and within the downtown where development should be encouraged. This approach will be more consistent with the regulation of big boxes in Heber City, where stores over 60,000 square feet are only permitted in the MURCZ Zone, and over that 60,000 square feet, a Vacancy Agreement is required. In contrast, if the city continues to require a vacancy agreement for businesses in the C-2 and C-4 Zones, at say 40,000 square feet, then shouldn't the city also require vacancy agreements in all other zones (i.e. the MURCZ Zone) at 40,000 square feet as well to be fair and consistent with these other zones?

April 24, 2014 is a public hearing to solicit public input and formally consider altering or removing Section 111 of the Design Criteria.

**RECOMMENDED MOTION**

Motion to recommend approval of repealing Section 111 Dark Store/Vacancy Agreement of the C-2 & and C-4 Design Criteria.



Heber City Planning Commission  
Meeting date: April 24, 2018  
Report by: Anthony L. Kohler

**Re: Residential Facilities for Disabled Persons**

Attached is a proposed ordinance for consideration by the Planning Commission in an attempt to remedy the problems with the existing ordinance. April 24, 2014 is set as a public hearing to formally consider the proposed ordinance.

The underlined areas in the proposed ordinance represent proposed changes since the last review by the Planning Commission. One of the changes is to establish a 1,320 foot (1/4 mile) separation. The literature available on dispersal of these facilities recommends enough dispersal of the facilities so disabled individuals can be better integrated into the community. The same literature also recommends not dispersing the facilities so much that it is impossible to locate a facility within a community. The attached map illustrates that several additional locations will be available for future facilities.

**Quarter-mile Walkability Sources**

<http://www.bikewalk.org/pdfs/ncbwpubwalkablecomm.pdf>  
<http://www.walkscore.com/walkable-neighborhoods.shtml>  
<http://www.transect.org/>



1 or Federal regulations shall govern that situation, and the remainder of this Section shall remain  
2 in full effect.

- 3  
4 **F. Reasonable Accommodations.** Upon written petition for a Special Exception, the Planning  
5 Commission may permit two (2) such facilities to be located closer than 1,320 feet if they are  
6 separated by a physical barrier, including without limitation an arterial Street or State Highway, a  
7 commercial district, or a topographic feature that avoids the need for dispersal. Reduction in the  
8 separation requirement shall be allowed only after the Commission has determined that the  
9 barrier and the resulting separation are adequate to protect the City and neighborhood from any  
10 detrimental impacts resulting from an excessive concentration of facilities in any one (1) vicinity.  
11

12 **Quarter Mile Separation From Facilities**

