

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
March 25, 2025**

APPROVED 04.22.2025

5:30 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Phil Jordan called the Planning Commission Meeting to order at 6:00 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Phil Jordan
Vice-Chair Tori Broughton
Commissioner Darek Slagowski
Commissioner Josh Knight
Commissioner Robert Wilson
Commissioner Greg Royall
Commissioner Robert McKinley

Planning Commission Absent:

Commissioner Dennis Gunn
Commissioner Dave Richards

Staff Present:

Community Development Director Tony Kohler
Planner Jacob Roberts
Planning Office Admin Meshelle Kijanen
City Engineer Ross Hansen

Staff Participating Remotely:

IT Specialist Anthon Beales
Planning Manager Jamie Baron

Also Present:

Sue Hibbs, Burton Hibbs, Shawn Davis,
Lonny Reed, Cal Johnson, Rachel Kahler,
David Todd, Vickie Todd, Julie Franklin,
Oakley Franklin, Elisha McKenzie,

Also Attending Remotely:

Glen, Kelly Ramirez, Zach Butterfield,
Ashley S. Elyse, George Bennett, Grace
Doerfler, Kati Hemeyer, Quinn Davis,
Sophie, Yvonne Barney

III. Pledge of Allegiance: By Invitation

Commissioner Broughton led the recitation of the Pledge of Allegiance.

IV. Prayer/Thought by Invitation N/A ()

V. Recuse for Conflict of Interest N/A

2. Consent Agenda:

- I. Request for a Site Plan Expansion for Timberline Ace Hardware, located at 737 S. Main St. (Jacob Roberts) (Moved to Action Item for further discussion)

This agenda item was moved to an action item by Commissioner Knight. Chairman Jordan explained this allowed City Staff to provide more information about the item. This item was discussed second.

Planner Roberts explained the Ace Hardware had requested to expand the building into an adjacent vacant lot, and he shared images of the building to indicate where the original entrance was located. He shared images of the site plan and landscaping plan, and noted the project was located in the C-2 zone and the expansion was in-line with both the zone the General Plan. He said that the applicant had been notified that they needed to decrease the height and brightness of the lighting lamps in the parking lot.

Planner Roberts said the proposed site plan was also compliant with most design requirements, with the exception of the north wall. He said the architect had been notified of this. With the exception of those two conditions, there were no other regulations that needed to be met. Planner Roberts added that Engineering had approved the site plan as well.

Commissioner Knight asked how much square footage this would add to Ace Hardware. The applicant, Lonnie Reed, replied that he was not sure. Planner Roberts replied it would add about 4,600 square feet to the store.

Commissioner Wilson clarified that this request was only for a site expansion; nothing that had to do with the building. Planner Roberts replied that was correct. Chairman Jordan clarified that the applicant was not seeking an exemption from the architectural standards and Applicant Reed confirmed he was not.

Motion: Commissioner Knight moved to Request for a Site Plan Expansion for Timberline Ace Hardware, located at 737 S. Main St. Commissioner Broughton made the second.

Discussion: City Engineer Hanson confirmed that the Engineering Department did not have any concerns.

Voting Yes: Chairman Phil Jordan, Vice-Chair Tori Broughton, Commissioner Darek Slagowski, Commissioner Josh Knight, Commissioner Robert Wilson, Commissioner Greg Royall, Commissioner Robert McKinley

Voting No: None. The Motion 7-0.

3. Action Items:

- I. Public Hearing for the proposed Central Heber Overlay Zone (CHOZ) and Use Options for Historic Buildings (John Janson, Tony Kohler)

This item was discussed first.

Community Development Director Kohler explained this item and provided a history of the Central Heber Overlay Zone. (CHOZ) He explained that the purpose of the public hearing that evening was to consider replacing the existing infill overlay zone with the Central Heber Overlay zone. He noted that public hearings were required for zoning changes and spoke about the noticing process to residents. He also reported that the City had held an Open House recently, which had been well-attended by the public.

Community Development Director Kohler recommended that the Planning Commission take no action that evening; but synthesize the feedback that they received and come back for a vote at a future meeting. He listed the options that the Commissioners would have to make their recommendation, and reminded them that City Council held the power to make the final decision about the CHOZ. Lastly, Community Development Director Kohler provided the reasoning for the creation of the CHOZ, noting primarily that the zoning overlay would align the City with their General Plan and also create 'missing middle' housing in Heber.

Planner Janson reported on the feedback that the City had received at the Open House. He first explained the distinction between an overlay and a zone, and noted that several members of the public had been confused about the difference at the Open House. Planner Janson said that many people had brought up building heights, and he noted that building heights were capped at 40 feet in both the R-2 and R-3 zones.

Planner Janson also shared a poster that had been displayed at the Open House which clarified that the base zoning districts would remain in place, and assured the public that the overlay was just intended to provide people with more options about how they wanted to develop their properties.

Planner Janson then indicated a map that showed what parts of the City were covered by the overlays. Planner Janson highlighted that one of their goals was to give historic properties more land use options. He also showed which areas would have commercial and residential uses and reiterated Community Development Director Kohler's earlier comment that this plan provided 'missing middle' housing.

Planner Janson reported on the public's opinion about the purpose and uses for the CHOZ. He and Chairman Jordan explained the process they had used in which they gave people green and red dots to place on the posters, which indicated that they either liked or disliked the proposed use. Planner Janson listed some of the general purposes that had been suggested as well as specific uses. Planner Janson listed that some of the proposed residential uses included flag lots, detached accessory units, townhouses, mansion-style apartments, and small lots. Chairman Jordan clarified that accessory units had a owner-occupied requirement and Planner Janson replied that they did, though noted that they needed to work through this with their legal team. Planner Janson reported that overall, people were not in favor of mansion-style apartments or twin homes in low-density residential areas, although the results were more mixed for the mid-density residential areas.

Planner Janson moved on to flag lots. Chairman Jordan asked for clarification about the lots and Community Development Director Kohler defined flag lots. Planner Janson reported that overall, people approved of flag lots, though noted results were mixed.

He added that results were mixed for subordinate dwelling units as well. Planner Janson reported that mansion-style homes and duplexes had received mostly negative

feedback.

Planner Janson noted that the poster for townhouses stated there would be no more than four units, but the overlay zone actually stated that there be no more than six. He and Chairman Jordan briefly discussed that they could change this. Planner Janson reported that overall, people were not in favor of townhouses or multi-family courtyard style buildings. Planner Janson added that people approved of most of the proposed design features for multi-family homes, with the exception of the proposed height of 35 feet. He discussed that 35 feet was actually shorter than the maximum height of 40 feet, though it seemed that people wanted the buildings to be even shorter than 35 feet.

Community Development Director Kohler commented that some people at the Open House had told him they felt 35 feet was too short. Planner Janson and the Commission briefly discussed height.

Planner Janson moved on to design elements in mixed-use buildings. He again reported that in general, people approved of the proposed design elements with the exception of the suggested height of 35 feet. He reported on commercial buildings as well, and noted that people seemed to be in favor of all of the proposed elements.

Chairman Jordan clarified that all of these features were only permitted within the overlay zone and Planner Janson confirmed that was correct.

Planner Janson provided the justification for expanding the uses of historic properties. He shared the results of the public's input, which showed that daycares, mansion-style apartments, and bed and breakfasts had not been popular, although people were generally in favor of the other proposed uses. Planner Janson summarized the results of the Open House and said some of the key findings were that duplexes, twin houses, and mansion-style apartments were unpopular, building height was an issue, results were mixed for flag lots, and low-impact uses were desirable in historic properties.

Chairman Jordan asked the Commisison if they had any questions.

Commissioner McKinley asked for clarification on the distinction between flag lots, subordinate dwelling units, and small lots. Planner Janson replied that internal accessory units were located within the existing home and external accessory units were outside of the building. Planner Janson said that subordinate dwelling units were similar to external accessory units, though these could have their own access and lot.

Planner Janson added that subordinate dwelling units were intended to be owner-occupied and affordable.

Chairman Jordan asked about the transition zones. Planner Janson explained that the purple shading on the transition corridor map was intended to connect the railroad and recreational uses in that area to downtown. Planner Janson commented that the transition corridor was fairly similar to the overlay that the City already had.

Planner Janson clarified that this new overlay zone would bring in infill options that were generally lower density. Planner Janson discussed that the use options were an array of lower-intensity uses that could provide infill, and he commented that cities all over the country were opening up their residential options since people could not find a place to live.

Commissioner Wilson confirmed that the original dwelling for properties that had ADUs or SDUs did not have to be located on the front portion of the lot. Planner Janson confirmed that was correct, and he added that both properties would have access to the front street.

Commissioner Broughton clarified that the zoning in the overlay would not change and Planner Janson replied that was correct. Planner Janson said the zones would remain R-2 and R-3. He also discussed that there were set definitions for low-intensity.

Community Development Director Kohler elaborated on that point and said there were a list of standards that included things like building height, parking lot size, hours of operation, and other features.

Commissioner Knight asked if people who had historic homes in the overlay zone would need a conditional use permit to use their home for a business. Planner Janson replied there were a list of permitted uses and conditional uses outlined in the draft document.

Executive Director of the Community Alliance for Main Street Rachel Kahler said that she had been researching the requirements for historic districts. She said that the way the City had outlined standards for historic homes were more specific than the State and federal level requirements for historic commercial use, so she thought it was important that they get the data from the reconnaissance survey before they established the parameters of what constituted a historic building. She said that other than that, what she saw in the overlay plan supported the definition of historic structures, though there could be some contradictions. She also expressed that she would share the results of the survey with the Planning Commission and said that they did have funding, though the federal funding had been placed on hold. She thought they should proceed with the survey, however, since they did have enough funds without federal funds and she also anticipated that the federal funds would be released at some point.

Chairman Jordan moved into the public hearing portion and asked that speakers not repeat questions and keep their comments to three minutes. Planning Office Admin Kijanen read the rules of the public comment section.

Bradley Bacon asked for more clarification about subordinate dwelling units. He asked if he would be able to sell a piece of his property to be turned into a SBU. Chairman Jordan replied that was correct, and clarified that the SBU had to be owner-occupied.

Ken Knight commented that he worked in construction and stated that a building with two stories would have to have a flat roof in order to keep it at 25 feet tall. Mr. Knight asked about the reason for the changes in Heber City and expressed how expensive the development was. He expressed concern about the changes to the City and said he did not like to see change. He said that Heber should have a western atmosphere and said he did not want to see that change, even though a lot of people were coming

into the City from other places. He asked for the Commission to finish the bypass, but otherwise leave things alone.

Ryan Sytel asked if flag lots would need to have their own sewer and utility tie ins. Chairman Jordan replied that they would.

Russ Spagowski commented about 2nd East and said that the overlay would add commercial use options to a street that was otherwise purely residential. He also noted that the commercial options were only available for one side of the street and asked why that was the case. Community Development Director Kohler explained that the transition corridor, which included 2nd East, allowed office and retail, although only if the properties fronted 100 South, 100 East, or 100 West. Community Development Director Kohler elaborated that this meant the commercial uses were not permitted at all locations in the zone. Mr. Spagowski asked if that was unfair to people on the other side of the street and Community Development Director Kohler replied that the residential uses were permitted on both sides of the street; just the commercial uses. Mr. Spagowski asked why businesses were not permitted on both sides of the street and Community Development Director Kohler replied that they needed to determine the boundary somewhere, and said they had determined the boundary based on the General Plan.

Burton Hibs brought up the fact that there were limited places for people to park their cars. Mr. Hibs said that his neighbor had subdivided his lot into three parcels, and there were now cars everywhere on his street. He expressed concerns that parking would get out of control if the lots kept getting smaller and higher-density. Community Development Director Kohler said that the high-density areas were limited and said that townhomes with multiple units were required to have at least two parking stalls per unit. Community Development Director Kohler added that there was also a new bus service in the Valley that may help alleviate the volume of cars over the next several years. The Commission held a short conversation about parking and car ownership. Commissioner Broughton assured Mr. Hibs that there were strict requirements about parking for properties.

Executive Director of the Community Alliance for Main Street Rachel Kahler said that she was encouraged by the progress that had been made in the City to protect their historic homes and buildings. She shared that some owners of historic properties were stressed about affordability and preservation, and said there was a need to balance growth with affordability. She asked if the new Code amendments maintained the charm and culture of Heber City, and opined that the Central Heber provided the 'missing middle' in the community as the new developments were not affordable.

Executive Director of the Community Alliance for Main Street Rachel Kahler felt that the overlay provided more options for homeowners, though she was not in favor of mansion-style apartments or multi-family courtyard style apartments. She recommended that these housing styles be removed from the proposal and reiterated

her central question: do the housing types maintain the charm and style of Heber City?

She then stated that this plan was helpful, but did not go far enough in offering meaningful preservation incentives and programs. She thought that Heber City should do more to incentivize historic homeowners to maintain and preserve their homes, and said she was strongly in favor of the creation of a historic district in Heber City.

Yvonne Barney said she was a resident of Central Heber and reported she had spoken with her family about the overlay. She said Central Heber was the last part of Heber City that had a cohesive community feel, and said that atmosphere was being challenged as people moved away and their properties were bought by large corporations. She thought there were options beyond putting in duplexes, townhomes, or similar styles of housing, and she proposed pocket neighborhoods instead. She said she was not opposed to ADUs and said she had a flag lot herself, though she did not like the idea of SDUs. Ms Barney discussed the benefits of pocket neighborhoods and said the concept was similar to courtyard-style apartments, though they featured individual homes rather than apartments. She thought this model could work well in Heber City and noted that pocket neighborhoods could help keep building heights low.

Shawn Davis stated that he lived in the transition district and thanked Planner Janson for his presentation. He said he saw the positive and negative elements of the plan and appreciated the City Staff's efforts. Mr. Davis noted that his home did not follow the City's guidelines for historic homes, though it did meet the State and federal-level criteria. He asked if all of the proposed uses were necessary, and said while he understood things like flag lots, he was not sure about all of the proposals. He commented that he had purchased some lots for his children years ago in case they ever wanted to live in the Valley. He then expressed that he wanted more information about property taxes; specifically if his property tax rate would change if commercial buildings went in near his home.

Commissioner Broughton clarified the historic status and tax status of Mr. Davis's home and she and Community Development Director Kohler discussed the issue briefly.

Chairman Jordan clarified that Mr. Davis's property taxes should not change based on what other businesses were opened nearby; his taxes would only change depending on the use of his own home.

Glen Lent commented online. He commented that he loved the overlay idea and said he and his family lived in the Valley. Mr. Lent said his three adult children had no options to live affordably in the area and he hoped this overlay plan would be beneficial for them. He also expressed that he liked the idea of a pocket neighborhood and said he wanted his children to be able to live close by. He felt an obligation as a parent to help solve for the 'missing middle' for the next generation.

Zach Butterfield commented online. He said that he had a flag lot, and he and his wife lived in his in-laws basement. He expressed that he was excited to have an affordable place to live in Heber City.

Russ Pasowski noted there was a typo in Note 2 under 'cafe and restaurants.'
Community Development Director Kohler acknowledged the comment.

Chairman Jordan closed the public hearing.

4. Work Meeting:

I. 5:30 PM CHOZ & Historic Building Uses Workshop

There was no dialogue for this work item. Consultant John Janson and Planners met with the public. Explained posters and answered questions regarding the Central Heber Overlay Zone (CHOZ).

II. Body Art Facility Text Amendment Discussion (Jacob Roberts)

Planner Roberts presented on Body Art Facilities. He provided a history of the item, and noted that they had an applicant who had been permitted by all regulatory agencies for a tattoo shop business before being notified that tattoo shops were prohibited in Heber City. He noted that there was one tattoo shop operating in Heber City with a business license, and explained they had received their license in 2017 before the Code had been changed to prohibit the facilities.

Commissioner Knight asked for the rationale for prohibiting body art facilities. Community Development Director Kohler explained that they had been banned in 2022 when the Code had been updated. Community Development Director Kohler stated that at that time, the City Council had expressed concern about stores like smoke and vape shops, pawn shops, massage parlors, and tattoo shops, which were considered 'sexually oriented businesses.' (SOB) Community Development Director Kohler explained that there was concern about the morality of these businesses and expressed that the City Council wanted to ensure that Heber City was a clean, healthy city. Planner Roberts commented to this text amendment as well and clarified that the only proposed change would impact body art facilities, not the other uses that the City Council had prohibited. Planner Roberts also noted that body art facilities were permitted as a home use business, though this was not ideal for a tattoo shop from a sanitation and hygiene perspective.

Planner Roberts outlined the standards for SOBs and indicated in which parts of town they could be a conditional use. Planner Roberts clarified that body art facilities were not considered to be an SOB, and they were currently not allowed in any part of the City. He added that another issue was that Heber City had no legal definition of 'tattoo.' He noted that things like microblading and permanent makeup were technically considered to be tattoos, and those were permitted in the City. Planner Roberts presented the dictionary definition of 'tattoo,' and recommended that Heber City adopt the State language about body art, which included tattooing. He commented as well that the State heavily regulated body art facilities, so the main thing that the City needed to determine was land use for the facilities.

Planner Roberts reported on other cities that permitted body art facilities. He stated that Payson City was very open, Provo was currently reconsidering body art as part of a Code rewrite, Lehi City allowed them as part of another use, and Midway City prohibited them in all zones. Planner Roberts noted he would expand on the Lehi

model later in the presentation. Commissioner Broughton asked how the cities were defining body art and Planner Roberts replied that they deferred to State Codes, but did not have a specific definition included in their Code.

Planner Roberts outlined the three things that needed to change: update definitions, remove the home occupation loophole, and designate zones for body art facilities.

Chairman Jordan asked for clarification about Lehi City. Planner Roberts shared Lehi's definitions for body art and for personal services and noted that tattooing fell under 'body art,' but things like microblading, henna, and permanent makeup were 'personal services.' Planner Roberts also explained that tattooing could be offered as a service in an establishment, as long as it constituted less than 10% of the overall business.

Planner Roberts suggested this could be a way to allow tattoo artists to work on Main Street without having a standalone tattoo shop.

The original applicants, Julie and Oakley Franklin, came forward to speak. Chairman Jordan commented that Lehi City considered tattooing to be a medical procedure. Ms. Julie Franklin replied that tattoos were not a medical procedure, though scarification was considered to be. Ms. Julie Franklin noted that tattooing required a license. She then discussed that she understood State Code to supersede City Codes, and said that the City had to meet the State requirements at a minimum. She opined that tattooing be considered a personal service, not body art. She said that permanent makeup was a tattoo. Commissioner Broughton commented that Lehi was not trying to change the definition, just limit the places in the City that those things could be done.

Planner Roberts clarified that it was not his recommendation that Heber adopt Lehi's language; he just wanted to note that their model seemed similar to what Heber wanted to do. Ms. Julie Franklin discussed the distinction between body art and personal services and noted that the things which Lehi considered to be personal services were still considered to be body art under the State Code.

Ms. Julie Franklin also read from the Heber City zoning Code and stated there had been no public hearing to discuss the ban of tattoo shops and other types of businesses. Chairman Jordan confirmed there had been a public hearing. Ms. Julie Franklin noted that massage parlors had been taken off the prohibited list. Ms. Julie Franklin then discussed that there was nothing wrong with tattooing and she did not understand why Heber City did not permit them to operate, when they were not banned at the State level. She opined it was about aesthetics.

Commissioner McKinley asked the applicants about training. Ms. Oakley Franklin replied there was extensive training for tattoo artists. She explained that Utah required a year's worth of training as an apprentice, though people typically trained for three to five years. She elaborated on the process. Ms. Julie Franklin compared the training to other services like microblading, and noted that the tattoo training was far more extensive. Ms. Julie Franklin also commented that some spa businesses added on services like massage and microblading after they received their business license.

Chairman Jordan commented that massage parlors were not allowed in any commercial zone and clarified Ms. Julie Franklin's earlier comment. Commissioner Broughton clarified that massage was not allowed as the only use, though it could be a part of a larger establishment. Chairman Jordan asked Planner Roberts to follow up on the land use for massage parlors, and asked Community Development Director Kohler for his recommendation.

Community Development Director Kohler outlined the process moving forward and clarified that the discussion that evening was a work item. Community Development Director Kohler proposed that a public hearing be held next and he and Chairman Jordan discussed the timeline. Chairman Jordan asked Community Development Director Kohler and Planner Roberts to bring their formal proposal to the Commission before a public hearing be held and Community Development Director Kohler replied he would bring a proposal in the next two weeks, then hold a public hearing two weeks after that.

Chairman Jordan then asked the Planning Commission to give Staff direction. Commissioner Knight asked that State Code be clarified, as well as locations in the City in which tattoo shops could be allowed. Commissioner Knight also noted that tattoos were expensive and said the people who went to tattoo shops spent a long time getting tattoos, so it would be helpful to remove the stigma surrounding them. Commissioner Knight disclosed that he had a tattoo and said most tattoos were personal to the people who got them. Commissioner Knight opined that tattoos be located in C-2 and C-3 zones to help remove the stigma around them and he reiterated his direction to Planner Roberts. Commissioner Broughton agreed with Commissioner Knight's direction to look into the State Code.

Commissioner Slagowski opined that tattoo shops should be allowed in all commercial zones, standalone or attached. Chairman Jordan asked Planner Roberts for precedence as well and requested that he look into the history of the other cities' ordinances surrounding body art facilities. Commissioner Slagowski commented that it seemed as though Lehi was attempting to hide their tattoo shops by having them attached to a bigger salon and the other Commissioners agreed.

Community Development Director Kohler asked for clarification on the Commission's overall perspective. Chairman Jordan anticipated that the Commission would get more feedback during the public hearing about where the tattoo shops should be located.

Commissioner McKinley commented that there were tattoo shops in South Jordan and Draper City, so he recommended that Planner Roberts look into those cities. Chairman Jordan commented about perception versus reality and discussed that would be something to contend with. Commissioner Slagowski opined that public perception about tattooing had changed in recent years and felt that tattoo shops would bring foot traffic to Main Street. Chairman Jordan summarized that Commissioners Slagowski, Knight, Wilson, McKinley, and Broughton were in favor of allowing tattoo shops in all commercial zones, with some exceptions.

Ms. Julie Franklin commented that beauty was in the eye of the beholder.

5. Administrative Items:

Community Development Director Kohler stated that the City Council had discussed rank choice voting on the 18th. He reported that the Council was moving forward with the Views development, and had also discussed some planned intersection improvements throughout the City. Community Development Director Kohler stated that tree Subcommittee assignments had been made, the budget had been amended, and a parking study had been accepted, but not adopted. He explained that the Planning Commission would have to review the parking study to work through some of the issues. He noted that the April first meeting had been canceled and the dates for

the budget workshops had been set. Lastly, he reported there had been a closed meeting.

6. Adjournment:

Adjournment: Commissioner Knight motioned to adjourn. All voted aye.

Meshelle Kijanen

Meshelle Kijanen, Administrative Assistant