

**HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
July 22, 2025**

Approved 08.26.2025

6:00 p.m. – Regular Meeting

1. Regular Meeting:

I. Call to Order

Chairman Phil Jordan called the Planning Commission Meeting to order at 6:01 p.m. and welcomed everyone present.

II. Roll Call

Planning Commission Present:

Chairman Phil Jordan
Vice-Chair Tori Broughton
Commissioner Derek Slagowski
Commissioner Robert Wilson
Commissioner Robert McKinley

Planning Commission Absent:

Commissioner Dennis Gunn
Commissioner Dave Richard
Commissioner Josh Knight
Commissioner Greg Royall

Staff Present:

Planning Manager Jamie Baron
Planner Jacob Roberts
Deputy Recorder Robin Raines-Bond

Staff Participating Remotely:

Anthon Bealses

Also Present:

John Hernandez, Erin Merryweather, Scott Merryweather, Karl Merryweather, John and Charlette Scheid, Wade Scroggins, Bill Spiker, Shelley Ryan, Jill & Dennis VanLeenuwan, Laura Littman, Mike Johnston.

Also Attending Remotely:

Catherine, Grace Doerfler (KPCW)

III. Pledge of Allegiance: By Invitation

Vice Chair Tori 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: N/A

3. Action Items:

I. Public Hearing to amend fence heights for Sports Courts (Planner Jamie Baron)

Planning Manager Baron provided background on the public hearing and reported that the Code Enforcement Officer had received a complaint about fencing on a sports court. He detailed that the question up for consideration that evening was if the height of fences on sports courts should be modified in their City ordinance. He shared some images of different fences located throughout Heber City at various sports courts.

Planning Manager Baron also shared some of the suggested language that the City was considering using for the updated ordinance. He summarized that the central question was if the City should allow sports court fences to be up to ten feet in height and stated that City Staff recommended that the Planning Commission receive public feedback and then forward a positive recommendation to the City Council.

Chairman Jordan noted the arrival of Commissioner McKinley.

Planning Manager Baron clarified that the current Code did not currently require fences at all, but if there was a fence, it was capped at a height of six feet. Chairman Jordan asked City Engineer Hansen if there were any safety issues posed by changing the height of the fences. Planning Manager Baron clarified that the entirety of a private property could not have a ten-foot-tall fence; only the parts of the property that were used as a sports court could have a fence that was ten feet. City Engineer Hansen added that the ten-foot fence had to be chain-link and could not be a privacy fence, so he had no concerns.

Commissioner McKinley asked if residents needed a permit to build a sports court and expressed concern that people might take advantage of this allowance to build ten-foot-tall fences that were not used for a sports court. Planning Manager Baron provided history about what the City had done in the past and summarized that he did not recommend requiring a permitting process for construction of a sports court.

Commissioner McKinley worried that people would take advantage of this ordinance and suggested that a definition of 'sports court' be included in the ordinance. Planning Manager said they could include that language.

Chairman Jordan reminded the public of the rules for public comment. He opened the floor for public comment.

No members of the public came forward, and Chairman Jordan closed the floor for public comment.

Chairman Jordan asked the Commission for feedback on color for the fences. Commissioner Slagowski stated that he wanted dark colors such as black, brown, or charcoal. Commissioner Broughton suggested black or untreated. There was dissent about if the untreated was a good idea, and Commissioner Broughton noted that they did not want people to put logos or designs on the fences, such as sports teams.

Chairman Jordan summarized that the Commission was in favor of black fences.

Chairman Jordan commented that his HOA allowed for dark brown or earthtone. Chairman Jordan asked the Commission if they wanted to include a definition of sports court. Commissioner Broughton opined that was unnecessary, and Chairman Jordan concluded the Commission would leave it to the discretion of City Staff as to if they thought it was helpful to include a definition or not.

Commissioner Broughton moved to forward a positive recommendation for the sport court fencing text amendment as presented in the Staff Report, with the addition of specifying the color to be black. Commissioner McKinley made the second.

Voting Yes: Vice-Chair Tori Broughton, Commissioner Darek Slagowski, Commissioner Robert Wilson, Commissioner Robert McKinley

Voting No: None.

The motion passed 4-0.

II. Public Hearing for a Development Agreement for accessory building setbacks at 525 N 600 W (Planner Jamie Baron)

Planning Manager Baron introduced the applicants and oriented the Commission to the location of their parcel, located at 525 North 600 West. He explained that when the high school that was adjacent to their parcel was developed several years ago, the School District had taken a portion of the applicant's property for right-of-way access.

Planning Manager Baron said that the applicant's land was used for agriculture, and they now wanted to build a barn and add a physical barrier between their land and the future traffic from the high school. He explained that the construction would have a three-foot setback from the right-of-way, and he said the current Code required a ten-foot setback for accessory units. As such, he explained that the applicants were requesting an MDA that included an exemption to the ten-foot requirement.

Planning Manager Baron also provided a history of the Code and noted that in the past, the setback requirement had been smaller than ten feet. He added that the applicant had gone before the City Council, who were looking for ways to work with them so that they could have their construction plans move forward.

The applicants, John Scheid and Charlotte Scheid introduced themselves. Mr. Scheid stated the reason they wished to build the barn was to store equipment that they did not currently have space for. He also explained that if there was a ten-foot setback on the new building, they would not have enough space to park and move their vehicles and farming equipment, so they would have to tear down the existing structure that was on the property. Mr. Scheid also noted that the school had raised their land, which greatly impacted the privacy of their land.

Commissioner Broughton asked what the height of the barn would be and Mr. Scheid replied it would be 26 feet, which was the maximum height permitted by the Code. Mr. Scheid also detailed where the roads and gates on his property would be located.

Planning Manager Baron discussed the water service that was located 83 feet east of the fence, and said Engineering had some concern about how they would access the water meter. City Engineer Hansen elaborated on the concerns and clarified that he was not opposed to the proposal; he just wanted to ensure that Engineering had access. City Engineer Hansen said that the water meter was on the east side of the

proposed building, so he wanted to request that the water service have a ten-foot offset to the front of the building. Additionally, City Engineer Hansen said he needed access to the meter vault, so there either needed to be a gate through the fence or an easement. City Engineer Hansen assumed that an easement was an easier option since the fence would be masonry.

Mr. Scheid spoke about the increased traffic pressure on the road and said the road was dangerous for pedestrians. He said he and his wife planned to put in a fence with a walk-through gate so they could access their mail. Mrs. Scheid added there was an entrance to the property on the other end of the driveway as well. City Engineer Hansen said he needed a 15-foot-wide easement to the meter box so that Public Works would always be able to access it. City Engineer Hansen emphasized this was important so that future property owners could not deny access to the City to maintain the meter. Mrs. Scheid asked for clarification about the easement and City Engineer Hansen said they could either do a blanket ordinance, or they could describe a 15-foot easement in metes and bounds. Planning Manager Baron emphasized that this was not an easement for the public; only for Public Works to do maintenance.

Planning Manager Baron asked if the meter box could be moved to the other side of the fence and City Engineer Hansen said that was not an option. However, City Engineer Hansen said they could possibly move the fence so that the meter was on the roadside, and if they did that the City would not need access through the Scheid's property. City Engineer Hansen clarified that the meter was about five feet underground. Mrs. Scheid clarified that they could put the meter wherever they wanted, as long as it was in the yard and not in the road.

Commissioner Broughton asked why the School District was putting in a fence on the Scheid's property line. Mr. Scheid explained that he had previously owned property that extended to the middle of the road and said he had ceded that land to the School District. He had hoped the fence would keep his property private, but because the school's property had been raised, the fence was not sufficient to keep his property private. Mrs. Scheid added that the school planned to build their sports field on top of the raised lot, and she worried about how they would avoid stray balls from flying into her yard.

Chairman Jordan asked about future plans for services to the west side of the road and asked if Public Works would have sufficient access if the property was ever sold and subdivided in the future. City Engineer Hansen said that the dry utilities would have to find another route, given the agreement between the School District and the property owners. City Engineer Hansen reiterated that Public Works needed an easement as part of the MDA.

Mr. Scheid noted that the only other utility in the road was the gas line, which he had no way of moving. Planning Manager Baron clarified he was not responsible for moving the gas line.

Chairman Jordan opened the floor for public comment.

Dennis Van Leenuwan, Northfields neighbor, felt that the Scheid's request was reasonable, especially given the developments by the School District, and he hoped the Commission would approve their request.

Bill Spiker, neighbor to the Scheid's, expressed that the Scheid had done great upgrades to their property and were good neighbors. He felt their request was

reasonable given the developments by the school and the bypass, and he noted that he was planting trees on his property in attempt to keep his parcel private. He said it would be untenable for the Scheid to not have a wall or barn to keep a sense of privacy in their home. Mr. Spiker added that this proposal would have no negative impact on the school or any of the neighbors, so he opined that the request be approved.

Chairman Jordan closed the public comment period.

Chairman Jordan opened the floor to the Commissioners for questions.

Commissioner Wilson thought the Scheid should be getting more in return for the high school being developed right next to their house. He spoke about how much the sound of football games traveled and expressed sympathy to the Scheid. Mrs. Scheid said that she had been asked by the developer if they wanted a six-foot or eight-foot wall, and asked if the Commission would be willing to approve a wall of that height.

Planning Manager Baron said he would look into the zoning but anticipated that the City would be open to an eight-foot fence if the school was willing to construct one. Mr. Scheid said the original agreement with the school had been for an eight-foot fence, though it had been changed to a six-foot fence in order to be in accordance with City Code. Mr. Scheid recalled that he had not been notified of the change in height until he had signed the agreement with the School Board. Planning Manager Baron said they could put a provision in the MDA that stated the Scheid could have an eight-foot wall. Commissioner Broughton asked if their positive recommendation to City Council would lock in the 15-foot easement, or if it just affirmed that Public Works needed access in some way. Planning Manager Baron said the recommendation would only state that the City needed some kind of access and was not specific. Commissioner Broughton confirmed they would have time to look into other options about how Public Works could have access.

Chairman Jordan clarified that the construction was still subject to a building permit and Planning Manager Baron replied that it was.

Commissioner Broughton recommended that they only approve 'appropriate access' and not specify that there had to be a 15-foot easement specifically, so they could still look into options like a gate. She expressed that she wanted the Scheids to have flexibility. City Engineer Hansen reiterated that he did not need it to be an easement; he just needed 15 feet of access in some way. City Engineer Hansen elaborated about how the easement would be recorded.

Mrs. Scheid commented that she was interested in looking into an eight-foot wall.

Planning Manager Baron discussed that eight-foot walls were permitted in commercial zones, and also in areas where commercial zones abutted residential zones. Planning Manager Baron proposed that an eight-foot wall provision be included in the Commission's recommendation to Council.

A member of the public made a comment from the audience, though it was not intelligible.

Commissioner Slagowski motioned to forward a positive recommendation for the Scheid development agreement located at 525 North 600 West, with the findings and conditions as identified in the Staff Report the property and provision that the Scheids property be permitted to have an eight-foot wall.

Voting Yes: Vice-Chair Tori Broughton, Commissioner Darek Slagowski, Commissioner Robert Wilson, Commissioner Robert McKinley

Voting No: None.

The motion passed 4-0.

III. Public Hearing for Downtown Heber Food Truck Rendevous Development Agreement (Planner Jacob Roberts)

Planner Roberts provided background information on this item and identified the applicant as Matt Hansen. He reported that Mr. Hansen wanted to open a temporary food truck court at 89 West 900 South and shared an aerial view of the proposed site. He detailed that the site would have eight food trucks, 16 parking spaces, a dumpster, porta potties, and a seating area. He stated that an MDA would be necessary for this proposal as a food truck was not an approved use in the C-3 zone. He summarized that Staff recommended approval, and said that although the proposal itself was simple, there were several pieces of Code that would need to be addressed in the MDA.

Planner Roberts outlined some of the conditions that needed to be addressed in the MDA, including Dark Sky compliance, landscaping, and parking. He said that the Code did not have parking requirements for food trucks, which made this proposal unique.

Planning Manager Baron added that generally, parking standards required hard surfaces like asphalt, though this proposal included gravel parking.

City Engineer Hansen identified that some Engineering policies could not be enforced in this case, due to the temporary nature of the proposal. He said that the current intersection had issues with traffic backing up already, so there was a significant traffic impact that would come from this proposal. He said that generally, the City would require a traffic impact fee, although the applicant had argued that this fee should not be assessed since the proposal was only for temporary use. Additionally, City Engineer Hansen said there was an impact fee for water use, although it would be difficult to determine how much water this project would actually use. City Engineer Hansen said the Commission had the option to give waivers for both of these fees.

City Engineer Hansen then discussed the gravel parking. He said there needed to be ADA access to the bathrooms and the food court area, and said he did not know how that could be addressed. He also said that generally, storm water needed to comply with the City's storm water design manual, although this could be waived by the Commission as well since it was a temporary project. City Engineer Hansen added that a waiver would also be needed for the sidewalk and curb requirements that were required with permanent developments.

City Engineer Hansen summarized that Engineering needed guidance from the Commission as to if they wanted to waive these requirements since the project was temporary, and he said if the Commission wanted to grant the waivers then he highly recommended that the Commission define 'temporary use' and reevaluate the MDA as time went on.

Commissioner Slagowski asked if there would be fencing to separate the food trucks from the adjacent residential homes, noting that the generators might cause a disturbance to the homes.

Chairman Jordan noted that Councilmember Mike Johnston was present, though not in official capacity as a Councilmember.

Mr. Johnston stated that he was present on behalf of Atwell, where he worked as an engineer. He stated that Mike Hansen was a close friend of his and he was recused

from this item on the City Council. He affirmed he was not an applicant, though he was working with Mr. Hansen on this item.

Mr. Johnston noted that none of the food trucks had generators, so there would not be an issue with noise. As far as water was concerned, he said most of the trucks had 30-gallon tanks, which would last them for several days and was only used for cleaning, as most of the food was prepared offsite. Mr. Johnston said the grey water would be disposed of at a sanctioned RV disposal site, and he emphasized that there was only grey water, not black water, although there would also be grease traps installed just in case.

Mr. Johnston also elaborated about the temporary nature of the project, and explained that Mr. Hansen was hoping to wait to develop the property into a permanent building until the surrounding area was more developed. He reported that Mr. Hansen hoped to keep this use for about five years, and said it was his recommendation that the MDA sunset after five years. Mr. Johnston also noted that Mr. Hansen was currently on vacation and unable to phone in, which was why he was not present that evening. Mr. Johnston explained that if the City were to require all of the impact fees, there could be no profit.

Mr. Johnston said that if the food trucks were not allowed to go in, the property would just sit vacant for years until the property was ready to be permanently developed. He also affirmed that the property owner would maintain the property and pay the utility bills. Chairman Jordan asked how the property owner would recoup those expenses and Mr. Johnston replied that he would assess a flat fee to the food trucks that were parked on the property.

Mr. Johnston opined that the food trucks would not create additional traffic, since people generally did not leave their house specifically to get food from a truck. Rather, he suggested that people who were already driving would see the trucks and stop on their way home, so he did not think the project would increase pressures on traffic. Commissioner Broughton asked if a striped crosswalk would be needed, since the project would increase pedestrian traffic. Planning Manager Baron said they would need to conduct a traffic study to determine if a crosswalk was necessary.

Mr. Johnston noted that when food trucks came to events, the trucks were not assessed an impact fee so he did not think these food trucks should pay the fees either. He said the project would attract people to the downtown area, which was a goal of the City. He reiterated that he did not think the food trucks would exacerbate the problem with traffic, and noted that UDOT was already aware there were issues with that road. He acknowledged that he was not certain how they would address ADA access with a gravel lot, although he stated they would look into it and find a solution. He added that all lighting would be temporary as well and could be taken down quickly.

Chairman Jordan commented that this proposal could be considered like an event, and so it should be compliant with event requirements.

Chairman Jordan opened the floor for public comment.

Scott Merriweather expressed his opposition to this proposal. He said that the surrounding property was in his family's trust, and he said his parents were currently dealing with drainage issues on their property. Mr. Merriweather said the City needed to address those drainage problems and said the porta potties would make the issue far worse. He acknowledged Commissioner Slagowski's earlier point that the food trucks

would cause noise. He further said parking was already an issue with the farmer's market, and noted that people parked on their property for the market and even ate their food from the market on his lawn. Mr. Merriweather said there would need to be a privacy fence and signage, though he felt even those measures would not entirely curb the issue. He cautioned that granting too many waivers would be an issue, and he also worried that the proposal would end up being permanent.

Carl Merriweather reiterated Scott Merriweather's comment about the drainage issue on his property. He complained the City had not appropriately addressed the issue and said the drain water pooled. He also noted parking was an issue.

Ella Merriweather identified herself as Carl Merriweather's wife and Scott Merriweather's mother. She said the base price on their water was \$92 a month, even if no water was used. She argued that if this was their base price, it should be the same for the food trucks. She also commented on the drainage issue. Mrs. Merriweather thought a crosswalk might be helpful, though she said the traffic on the road was constantly backed up and she heard traffic accidents constantly. She also commented that porta potties were not ADA accessible, and stated she did not want porta potties in her backyard. She stated that if this project went through, she wanted a privacy fence put up to separate her property from the development.

Shelley Ryan spoke about the porta potties. She felt that people would come to use the porta potties and not actually buy anything. She also asked where the parking spaces would be located and Planner Roberts indicated on the map where the stalls would be placed. Planner Roberts clarified the parking stalls were standard size. Mrs. Ryan elaborated about the porta potties.

Lora Litman said she owned a business that was located down the block, and said that while her original intention was to only be there for a couple years, she had been at the business for 23 years. Mrs. Litman did not think the development should be granted all of the waivers, as it was possible that it might not be temporary. She asked that the grass and trees be put back in, and complained that the current state of the lot was an eyesore. She noted that food trucks were required to be attached to a brick and mortar store, and pointed out that there were many businesses in Roy that were already struggling to make it through the slow season. In addition, she refuted the earlier point that the food trucks would not need generators, and she felt that the noise from the generators and smell from the porta potties would pose an issue. She opined that the project was not a good use of the space and was a bad fit for the area.

Planning Manager Baron read aloud an email from George and Shauna Bennett that had been sent to the City in regard to this issue:

"Items to consider: one, will there be curb and gutter sidewalks along public right of way? Two, will public overhead utility line near the southwest corner of the property be buried? Three, will historic south to north drainage in the right of way be restored along 100 West? Four, will permanent toilets, not porta potties, be provided? Five, will there be paving for ADA site and toilet access? Six, will there be paved access to food trucks for access during the winter? Seven, will there be dark sky lighting? What time will it turn off? Eight, where is staff parking? Nine, where is ADA parking? Ten, sewer connection is in the walkway. How and when will vendors dump grey water? Will there be impact fees? Eleven, where are water connections? Will there be impact fees? Twelve, will there be trails and park impact fees? Thirteen, will there be a traffic study?

How will this use impact 100 West at Midway Lane? Fourteen, will storm water study be provided? Where will onsite water be stored? Fifteen, how will additional parking impact local businesses? Sixteen, will this be temporary use of this property?"

John Hernandez said he was a neighbor to the property. He said that he had come in that evening thinking the project was a good idea, though he was wary of all of the waivers. He did not think that mitigating the impact to the surrounding properties would be an undue financial burden on the applicant and he noted there were cost-effective ways to minimize the noise and smell that would arise from the project. Mr. Hernandez said that the property owner was going to make a profit from this project, so they could use a portion of the revenue to improve the property. He noted the property was currently an eyesore. Mr. Hernandez then stated that he had been in an accident on that road when he had been hit by someone driving in the shoulder. He discussed that the traffic on that road was a big problem, and in addition to the traffic issues, the sidewalk did not extend all the way down and thus was not ADA-friendly.

Erin Merriweather identified that she was related to the previous commenters, and expressed that while she appreciated that the developer wanted to make use of the space, she felt the property was not suited to the proposed use. She also stated that as a healthcare provider, she did not think the porta potties were appropriate.

Catherine Moore gave an online comment and said she was a neighbor to the property. She questioned that food trucks were going to operate from 10 AM to 10 PM and asked if that would be enforced. She asked how trash was going to be managed and noted that she often had to pick up trash in a nearby park. She also expressed that she did not like the idea of porta potties. Mrs. Moore stated that the food trucks should not get special privileges and be allowed to skip requirements that other developments faced.

Chairman Jordan closed the public comment period.

Mr. Johnston addressed some of the public comments. He said the storm drainage on 100 West could certainly be fixed, and said they could put up 'no parking' signs along the street which would help mitigate the drainage issue. He said they could also change the hours of operation, noting that the 10 AM- 10 PM suggestion was arbitrary and in fact, most food trucks stopped operating before then anyway. He felt that Mr. Hernandez's suggestion of planter boxes to separate the food trucks from the residential area was a great idea, and said they could do a fence as well.

Mr. Johnston emphasized that the development would be mandated to be temporary in the MDA, so they were under contract to not remain indefinitely. He also reiterated that there were no generators as part of the plan. Mr. Johnston said that a privacy fence would be easy to add, and he anticipated that eventually a standalone bathroom could be installed. He said that right now, the applicant was not sure if the development would be successful, so they wanted to wait before installing a permanent bathroom. Commissioner Broughton commented that porta potties had a wide range, and there were nicer options available than the traditional plastic ones. Chairman Jordan agreed and noted there were ADA porta potties as well. Chairman Jordan said there were porta potties that were on par with permanent public bathrooms. Commissioner Broughton added that the food trucks would also not attract businesses if the porta potties smelled. Commissioner Broughton clarified that she was not arguing for the

food trucks, but felt there were provisions they could include in the MDA that would mitigate the issue.

Commissioner Broughton agreed with Mr. Johnston that the storm water drainage needed to be addressed and said she was in favor of a privacy fence. She shared that she ran a business across the street from this property and had a booth at the farmer's market, and affirmed that parking downtown was a huge issue. However, she felt that the 16 parking stalls was sufficient and also noted that Heber did not even have that many food trucks. Commissioner Broughton commented that she spent a lot of time in Moab, which had many successful food trucks and she felt Heber could follow in this model. She said it was important to attract residents to downtown Heber, but the food trucks needed to be developed in a way that was beneficial to all the neighbors and surrounding businesses.

Commissioner Broughton said the Commission needed to define 'temporary' in order to eliminate creating a loophole for future applicants to avoid meeting requirements and impact fees. She further stated that since this project would yield a profit, some of the revenue should be put into curb and gutter improvements for the site. She felt curb and gutter improvements would be a benefit to the entire area.

Commissioner Wilson agreed with Commissioner Broughton's comments.

Laura Litman commented that Moab had different weather from Heber City, so the viability of a food truck court was not the same in both cities. Mrs. Litman claimed that food trucks needed to be attached to a brick and mortar store, a claim that Chairman Jordan pushed back on as he noted that food trucks were permitted at events without being attached to another building. It was clarified that there was a Heber City ordinance which stated food trucks in commercial zones needed to be located on a property that had a building on it, though the truck did not have to be literally attached to the building. Mrs. Litman continued to say that the point was for patrons of the truck to have access to a bathroom.

Commissioner Broughton said she did not want to limit hours of operation on the trucks, as it might be limiting to trucks that sold coffee and pastries. Chairman Jordan asked if the food trucks would operate every day, and Mr. Johnston replied that they would be open seven days a week, and that although many food trucks chose not to operate on Sundays, there was no ordinance against being open on Sunday.

Mr. Johnston suggested that they reevaluate the MDA after a year or two, and look into their water consumption.

Commissioner McKinley opined that food courts were a good idea, though said he was uncomfortable moving forward until the applicant himself indicated that he was willing to make the concessions that Mr. Johnston had outlined. Commissioner McKinley acknowledged that it seemed this project would be a burden on the surrounding neighbors. Mr. Johnston said that Mr. Hansen would accept the concessions that he had listed earlier, and he pointed out that if the Commission put the concessions in the motion, then Mr. Hansen would not be able to move forward with the project if he did not comply with them. Mr. Johnston said the one item that may pose an issue were the curb and gutter suggestions that Commissioner Broughton had brought up, but expressed that the Commission was welcome to include it in their recommendation and let Mr. Hansen figure it out with the City Council.

Chairman Jordan discussed the word 'temporary' and noted that five years was a long

time to be considered temporary. He compared this proposal to an event, and noted that events in Heber City could not be longer than six months. He recommended that the motion include a mechanism for enforcement for the food court in order to ensure compliance with all the noise, light, cleaning, and parking requirements and parameters that the City determined.

Chairman Jordan also spoke about how dangerous the intersection on 100 West was and said the traffic would get worse with the food trucks. He liked the idea of a crosswalk and said that might be helpful, but expressed that a traffic study would be prudent to figure out if a crosswalk was the best way to mitigate the safety issues. Chairman Jordan liked the idea of reevaluating the site after a year of operation. He said the porta potties should be limited to the first year, and if the food truck court continued after a year then permanent bathrooms should be installed. Chairman Jordan expressed that lighting was important to consider, especially in the winter when it got dark earlier in the evening and there was ice on the ground. He also discussed that porta potties needed to be emptied every single evening, otherwise it would pose an issue with smell and cleanliness for the neighbors, even with a privacy fence.

Chairman Jordan empathized with the neighbors concerns that the food court was being permitted to bypass regulations that they needed to comply with, though he noted that this proposal was more akin to a restaurant than a residential home. Chairman Jordan summarized that it seemed Mr. Johnston was willing to comply with all of the items that had been bought up by the Commission and members of the public, with the possible exception of the curb and gutter suggestions due to the cost associated with it. He acknowledged that it was important to attract people to the downtown area and said it was a great location, though he expressed concern about parking. He also pointed out the site needed to be kept very clean to avoid having issues with grease, rodents, and pests.

Commissioner Broughton asked if there would be a site plan and Planner Roberts clarified that the proposal that evening constituted the site plan. Mr. Johnston indicated they could modify the site plan as well. Chairman Jordan said they could make a motion to continue to move this item forward, as long as the items that had been discussed that evening were added to the plan. Mr. Johnston said that the Commission also needed to agree that the applicant could have the traffic impact fee be waived, as that was cost-prohibitive to the continuation of the proposal.

Commissioner Slagowski said he wanted to see the MDA be fleshed out and have the concerns be addressed, and then once the MDA draft was updated and the applicant was able to be present the Commission could go through the item again.

Commissioner Slagowski motioned for the item to be continued, and for the MDA draft to be updated and brought back before the Commission for further discussion with the applicant. Commissioner McKinley made the second.

Voting Yes: Vice-Chair Tori Broughton, Commissioner Darek Slagowski, Commissioner Robert Wilson, Commissioner Robert McKinley

Voting No: None.

The motion passed 4-0.

4. Work Meeting: N/A

5. Administrative Items:

Planning Manager Baron provided a recap of the most recent City Council meeting. He shared that City Council had received the same presentation that the Commission had gotten from Josh Lythgoe at their last meeting. The Commission briefly discussed this presentation and talked about some of the ways that they might be able to implement Mr. Lythgoe's suggestions.

Planning Manager Baron then reported there had then been a discussion about the Plourde Annexation MDA. He also explained there a fee waiver request for the South Field Park Pump Track, though he noted this item would not come before the Commission. Lastly, he noted the Council had made an amendment to the Upper Jordanelle Ridge MDA.

Chairman Jordan asked when the CHOZ would go before the Council and Planning Manager Baron replied that the Council would look at it next month. Chairman Jordan commented about the historic zone in Heber and said there was currently a study being conducted by Rachel Kaehler to review historic features and properties in the City. He noted that study might even result in the creation of a historic overlay zone, and said the Commission might want to suggest that zone to the City Council in tandem with the CHOZ when they reviewed it in the fall.

6. Adjournment:

The meeting was adjourned at 8:34 PM.

Meshelle Kijanen
Meshelle Kijanen, Administrative Assistant