Notes on Transitional Subdivision

SOUTH WEBER CITY
PLANNING COMMISSION MEETING

DATE OF MEETING: **13 February 2020** **TIME COMMENCED:** **6:01 p.m.**

LOCATION: **South Weber City Office at 1600 East South Weber Drive, South Weber, UT**

PRESENT: **COMMISSIONERS:** **Gary Boatright**
Tim Grubb
Wes Johnson
Rob Osborne
Taylor Walton

CITY ENGINEER: **Brandon Jones**

DEVELOPMENT COORDINATOR: **Kimberli Guill**

Transcriber: Minutes transcribed by Michelle Clark

Corinne Johnson, 8020 S. 2500 E., remarked the Facebook live-stream has approximately 400-500 views. As a result, she reminded everyone to speak clearly into the microphone. She commented the city is currently in the middle of updating the general plan and the public made it clear to have some type of moratorium or hold on development during this process. She voiced the public is concerned about the South Weber Transition Subdivision Plat (3 Lots) development and would request to table until the general plan land use portion is approved by Planning Commission and City Council. She asked that since the R-7 Zone is being rewritten, she requested not approving anything until those changes are made.

Michael Grant, 2622 Deer Run Drive, regarding the Dan Murray's development along the frontage road (2700 East), he wants to make sure costs are not passed onto citizens. He would like to know if the sewer system can withstand this development. He wants to make sure the car wash abides by EPA standards. He feels the developer needs to meet all requirements prior to rezone. He is concerned about the traffic created from the carwash and how it will increase congestion at Maverik. He suggested a right turn only out of Maverik onto 2700 East. He is not in favor of warehouse storage. He wants to makes sure height restriction of the townhomes don't interfere with views. **(SEE ATTACHED) – Kim, I'm not sure if Michael gave you his comments for the minutes or not.**

Amy Mitchell, 1923 Deer Run Drive, advised everyone to review Corinne Johnson's video concerning developments around South Weber City. She expects the development to be higher quality to entice people to stay long-term. She suggests limiting the amount of development

DRAFT

from R-7 to R-5 or R-6. She is concerned about this development will affect the sewer system. She requested tabling until general plan amendments are completed and are adopted by the City Council.

Joe Dills, 7749 S. 2100 E., is in favor of the carwash, but not in favor of making a specific change of zoning for this parcel of property. He is a concerned about spot zoning. He would like to see improvements to the carwash with more shaping, form, and design on the outside. He pointed out concerns with congestion. He is also concerned about noise from carwash vacuums. He is also concerned about the townhomes façade.

Tammy Long, 2178 E. Deer Run Drive, is concerned about the aesthetics and parking for the transition development on the frontage road. She would like to know if there are plans for recycling the water for the carwash.

********** **PUBLIC HEARING** **********

6. Public Hearing on:

a. Combined Preliminary/Final Approval on South Weber Commercial Subdivision 1st Amendment (for Alpha Coffee): This proposal is to split Lot 2 of the South Weber Commercial Subdivision creating a Lot 3.

b. South Weber Transition Subdivision Plat (3 Lots)

c. Rezone, Conditional Use, and Preliminary Site & Improvement Plans for South Weber Transition Subdivision Lot 1 (Car Wash)

d. Rezone and Preliminary Site, Condominium Plat & Improvement Plans for South Weber Transition Subdivision Lot 2 (South Weber Business Park)

e. Rezone and Preliminary Site, Condominium Plat & Improvement Plans for South Weber Transition Subdivision Lot 3 (South Weber Townhomes)

Paul Sturm, 2527 Deer Run Drive, presented a handout to the Planning Commission members in which he addressed agenda items a., b., c., d., & e. He is concerned there is too much being placed on this property. He pointed out dates on documents don't match. He said there are numerous unknowns with utilities. He feels this development is moving too fast. He is concerned about the rezone request for the carwash listing applicant who does not own the property. This applies to agenda items 9-14. He is concerned about congestion with the carwash. He discussed traffic problems with turning in and out of Maverik. There is concern with environmental impacts from the car wash. He asked if Weber Sewer District has been informed of this development. He is also concerned with the aesthetics of the proposed townhomes. He discussed the traffic impact on 7800 South which is already over-used. He is concerned about the visual impact to the neighborhood to the south. **(SEE ATTACHED)**

Doug Bitton, 2635 E. 7800 S., addressed agenda items a. and item e. He is concerned about short stays and accommodations for pets. He is also concerned about this projects density. He

DRAFT

feels the coffee shop is a great accommodation on that side of the road. Concerning item e., 7800 South already has increased traffic. He is concerned about headlights popping into his and his neighbor's home. He suggested the tot lot be a better development and better location. He would like to know who owns a portion of 7800 South because it is his understanding that UDOT owns a portion of it. He would like to see buffering from the commercial zone.

Jeff Eddings, 2645 E. 7800 S, addressed agenda items b. and item e. He feels the whole development should be tabled until the general plan is approved. He pointed out confusion with Lot 3 and questioned the zone. He discussed his concerns with traffic congestion on 7800 South and light pollution. He suggested this property be rezoned to low or moderate residential. He doesn't think the city needs more townhomes.

Brianna Travierso, 2469 E. 7800 S., is concerned Transition Subdivision Plat for the property along 2700 East is on the agenda with the general plan currently being amended. She pointed out this proposal doesn't fit with the gateway to the community, especially with the proposed warehouses. She suggested professional buildings. She is concerned about the impact to the city's sewer system, increased traffic on 2700 East, narrow approach on 7800 South which is not wide enough for two vehicles. She asked the Planning Commission and City Council to table this development until the general plan is approved. **(SEE ATTACHED)**

Amy Mitchell, 1923 Deer Run Drive, pointed out she is in favor of Alpha Coffee; however, she doesn't understand how the Transition Subdivision Development is a gateway to the community that the citizens would want. She is concerned about parking on 2700 East because this road is too narrow for parking, as was evident with the recent parking protest. She suggested widening 2700 East to three lanes. She pointed out congestion with traffic waiting to use the dump station, deliveries to Maverik, and the entrance to the carwash. She is concerned about the configuration of the driveway for the townhomes, and vehicles parking on 7800 South as well. She would like the townhomes to be high end and suggested installing a couple of duplexes verses townhomes. She would hate to see the warehouses become blight. She is concerned about big trucks making deliveries to the warehouse and blocking traffic.

Susan Westbroek, 2625 E. 7800 S., pointed out the proposed condominiums behind her home (The Lofts) will impact her home and now the proposed townhomes will impact the front of her home. She invited individuals to her home to see how this will affect her property. She is in favor of a duplexes verses townhomes. There is a concern there will be parking on the street. There is already light noise from Maverik. She would like to see plans put on hold until these issues can be addressed.

Julie Losee, 2541 E. 8200 S., addressed item b. (Transition Subdivision Development) and would like to know why it has to be three lots. She would suggest the townhomes and carwash. Her major concern is vehicles turning from 7800 South onto 2700 East. She suggested widening that section. She feels the city can expect better design for the townhomes. She is concerned about emergency vehicle access.

Commissioner Johnson moved to close the public hearing for item a, b. c. d. & e. Commissioner Walton seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

********** **PUBLIC HEARING CLOSED** **********

8. Preliminary Subdivision Plat: South Weber Transitional Subdivision (3 Lots) approx. 4.2 acres zoned CH located at approx. 7700 S 2700 E on Parcel (13-034-0065). Applicant Dan Murray: Commissioner Osborne asked why three lots. Mr. Murray stated it is being driven by three uses. He explained there have been many meetings with city staff. He discussed the carwash being in the commercial zone because it fits. He explained how they tried to address the best use of the zone to the uses being proposed. He addressed the common concern that has been voiced with traffic. A traffic study was conducted by Reeves & Associates, and they believe all of this will function properly.

Commission Osborne is concerned that Lot 3 is bigger than it should be. He envisioned townhomes fronting 7800 South. Mr. Murray discussed R-7 requiring 2 acres. Commissioner Osborne feels too much of the commercial space is being used. Mr. Murray thinks this is a good transition with keeping the higher volume type use by Maverik. He pointed out the flex space will have less traffic.

Commissioner Osborne discussed the difficulty with changing commercial to residential with the general plan being in the amended form. Mr. Murray suggested if the Planning Commission can't approve all three lots, then he would request approval of Lot 1 (carwash). Commissioner Johnson discussed setting a precedence when the Ray property was put on hold because of the state of the general plan.

Mike Ford, 849 S. 1230 W. Syracuse, UT, discussed flex units for warehouse use and the different types of businesses i.e. subcontractors, boat repair, window tinting, cleaning company, etc. He stated these units are owner occupied. He already has interest in these units and will most likely have them pre-sold.

Scott Mortensen, 3486 Spring Circle Mt. Green, UT, discussed the transition from Maverik to a carwash. Commissioner Grubb is concerned about the 24 ft. strip between the resident to the south and suggested the possibility of eliminating it. He reviewed the title and noticed there is a patent or reservation for sewer to the State. He is also concerned about the development agreement with Staker/Parsons Gravel Pit. Mr. Murray stated Parsons owned the property at one time, and he suspects they have never cleared the development agreement. Commissioner Grubb addressed the special warranty deed. Mr. Murray will get a copy of the special warranty deed.

Barry discussed the city being able to grant access on 2700 East even though it is owned by UDOT. He explained UDOT owns 2700 East, but UDOT has turned over control of it to the city. Commissioner Grubb expressed if only Lot 1 is approved, it needs to be able to stand on its own, if Lot 2 & Lot 3 are not approved. He wants to makes sure the Planning Commission is approving something that is useable. It was decided Lot 1 has access without Lot 2, Lot 3, and Maverik.

Commissioner Grubb discussed his concerns with the 24 ft. strip in Lot 3 and the configuration of Lot 3. Mr. Murray suggested the possibility of using it for rear access. He suspects it will probably be deeded to someone, but hates to close the door on a viable use of it. Barry pointed

out the plat identifies a storm drain pipe going through there to pick up storm drain off of 7800 South.

Barry Burton, City Planner's, Review of 6 February 2020 is as follows:

This proposal involves three different land uses requiring three different zones and several subsequent land use applications including a conditional use permit, a commercial condominium and a residential condominium/townhome development.

Subdivision: The initial subdivision proposal is to split 4.2 acres of land immediately south of Maverik into 3 lots with frontage on 2700 East and one lot also with frontage on 7800 South.

Conditional Use on Lot 1: A car wash is proposed for Lot 1, which is a permitted use in the C zone, if that zone is approved. Because the site is over 1 acre in area, a conditional use permit is required.

Lot 2: Applicants are requesting preliminary approval for a light industrial condominium. These condos are what developers are calling flex-space. That is space for sale that can be occupied by any use allowed in the L-I zone. The only issue I see with this proposal, aside from the zoning issue, is the requirement for a buffer yard on its south side adjacent to the residential proposal. The buffer yard ordinance requires a 6' masonry wall on the property line with 20' of landscaping on the light industrial side of the wall. In this case the light industrial condos present a blank wall toward the residential area essentially hiding the landscaping from either side. Developers have request they be allowed to eliminate the wall except in the gap between the two condo buildings. This would allow the adjacent residents to enjoy the landscaping allowing the buildings to act as the wall.

Lot 3: Applicants are requesting preliminary approval for a residential condominium plat. The only issue I see with this proposal is that the landscape plan is not complete. The site includes an odd remnant of land situated between the two nearest single-family homes to the west. This area needs to be landscaped along with the rest of the site.

Zoning: Each of the three lots in the initial subdivision require a different zone than the current C-H zone to allow the proposed use. Lot 1 will need to be rezoned to C, General Commercial, to allow a car wash. The C-H zone does not allow car washes.

Lot 2 needs a rezone to allow the industrial flex space proposed. This could be accomplished with the B-C, Business Commerce zone, but after considering the likely occupants of these units, it was felt that the L-I, Light Industrial zone would be more appropriate. The General Plan does not anticipate this type of use here.

Lot 3 requires an R-7, Residential Multi-Family Seven zone for the proposed townhomes to be developed. This zone is not anticipated in the current General Plan but is being proposed in the update.

<u>Zoning Considerations:</u>
Rezoning Lot 1 from C-H to C is necessary because the C-H zone does not allow car washes where the C zone does. Both zones allow retail commercial uses.

Rezoning Lot 2 from C-H to L-I is something that has not been considered by the General Plan, current or proposed.

Rezoning Lot 3 from C-H to R-7 is something that has been proposed for this area during our General Plan update process. This part of the property is adjacent to an existing single-family residential area it seems that some kind of transition from the commercial areas to the north may be appropriate.

Subdivision/Development Considerations:

The proposed car wash on Lot 1 and the proposed flex space light industrial condo units on Lot 2 are somewhat symbiotic uses. They share an access drive and they share parking. It also is dependent on the cooperation of Maverik, as one critical point of site access is from their property.

Lot 3 residential condos conform to our new R-7 zone.

Zoning Recommendations:
All the proposed development is dependent on successfully rezoning as has been described. I don't believe there should be any issue with rezoning Lot 1 to the C zone. I think the proposed car wash would be very beneficial to the residents of South Weber. I recommend approval.

I have no personal objection to rezoning Lot 2 to L-I or Lot 3 to R-7, but those uses are not clearly recommended by the General Plan as adopted. These are proposals the Planning Commission should debate and determine how to advise the City Council.

In all cases, if the rezones are approved, I recommend a reversion clause declaring the property will return to C-H if the proposed uses do not materialize.

Development Recommendations:
I recommend granting preliminary approval to the South Weber Transitional Subdivision as proposed with no conditions. I have no issues with the 3-lot subdivision.

I advise the Planning Commission grant preliminary approval of the conditional use permit for the car wash on Lot 1 provided the rezone is approved and provided an acceptable agreement for access from the Maverik property is obtained.

I recommend granting preliminary approval to the South Weber Business Park (the light industrial condos) with the provision that the associated rezone is approved. I further recommend allowing the landscaping plan to modify the required buffer yard as described.

I also recommend granting preliminary approval to the residential townhome/condo plat with the conditions that the rezone be approved by the City Council and that the narrow strip of land be included in the landscape plan.

Brandon Jones, City Engineer's, review of 6 February 2020 is as follows:

Our office has completed a review of the Preliminary Plats and Improvement Plans for the South

Weber Transition Subdivision, South Weber Business Park, and South Weber Townhomes received on January 29, 2020. We recommend approval subject to the following items being addressed prior to a recommendation of Final Approval from the Planning Commission. Some items are mentioned for information purposes only.

GENERAL

1. **SWWID Approval Letter**. Final plans need to be submitted to the South Weber Water Improvement District and an approval letter provided indicating that the improvement plans meet their requirements.

2. **SWC Fire Approval Letter**. An approval letter from the South Weber Fire Department is required.

3. **Fire Flow.** A fire flow test was conducted by Public Works on January 14, 2020. The test produced a fire flow of approximately 2,700 gpm. All buildings will need to meet the fire code relative to this flow.

4. **Zone Change**. Approval of the plats and plans is subject to approval from City Council of the zone changes being requested (CH to C for Lot 1, CH to LI for Lot 2, and CH and A to R-7 for Lot 3). We would recommend that these zone change requests be tied to the specific owner and proposal (not transferable); if these applications don't receive final approval, then these zone change requests would revert back to the current zoning.

   a. There are a couple of minor errors in the legal descriptions for Lot 1 and Lot 3 that we will relay to the developer's surveyor.

5. **Traffic Study**. A Trip Generation Study was provided by Reeve & Associates which projects the amount of traffic generated by the development. The total number of trips generated by the Car Wash, the Flex Space units and the Townhomes combined was calculated to be 147 in the peak AM hour, and 272 in the peak PM hour. The addition of these trips to 2700 East and 7800 South will increase the number of vehicles on these roads. We would recommend that Reeve & Associates address what impact this will have on the level of service of these roads.

6. **Geotechnical Study**. A letter of preliminary recommendation was provided by CMT Engineering. They reviewed a previous geotechnical study performed by a different company and concur that the proposed development is suitable for the expected conditions. The final report, which will include site-specific subsurface investigation and recommendations, will need to be provided.

7**. Sewer Capacity.** The 2017 Sewer Capital Facilities Plan (CFP) identifies limited sewer capacity for development in the area towards the east end of South Weber Drive. Projects to address this limited capacity are shown in the CFP. Since the adoption of the CFP, we have done additional analysis, computer modeling and metering of actual flows. Based on the metering, we have been able to determine that the actual flows are less than half of what was modeled and used in the CFP, according to State regulatory flows. We have calculated the total number of Equivalent Residential Units (ERU's) for this development to be 40 ERU's. Given the current demand in the area, we have determined that there is excess sewer capacity to accommodate this proposed development at this point in time. Future development will continue to be evaluated on a case by case basis.

8. **Parking.** There are 53 parking stalls shown for the car wash and the flex space units. If the most intense uses are assumed, Section 10-8-5 of the City Code would require 49 stalls. Therefore, sufficient parking is being provided. Because there are two lots and separate owners,

a cross access easement and a shared parking agreement will be required to cover the uses of both lots. The townhomes are required to park two vehicles in the driveway or garage, plus an additional 5 for visitors. They are providing 7 additional stalls for visitors.

9. **Maverik Access**. Due to the proposed access for Lots 1 and 2 being the same as Maverik's existing access, a cross access easement must be provided by Maverik for this access.

10. **Architectural Review**. Elevations have been provided for the car wash, flex space buildings, and the townhomes. According to Title 10, Chapter 12 of the City Code, the Planning Commission "shall determine if the proposed architectural and development plans submitted are consistent with this Chapter and with the purpose and objectives of this Title."

PLATS
The following are items to be addressed on the Final Plats.

11. **Transition Subdivision**.
    a. Addresses for the lots will be provided by our office.
    b. The Easement Approval block needs to be updated to reference the correct entities.
    c. A 15' easement needs to be provided for the storm drain from 7800 S. to Maverik.

12. **South Weber Business Park Condominiums**
    a. Addresses for the units will be provided by our office.
    b. Reference needs to be made that this plat is amending Lot 2 of the Transition Subdivision.
    c. A 15' easement needs to be provided for the storm drain from 7800 S. to Maverik.

13**. South Weber Townhomes**
    a. The street should be given a name. We can provide the coordinate street number.
    b. Addresses for the units will be provided by our office.
    c. There is a minor error in the boundary description. We will relay this to the developer's surveyor.
    d. A 15' easement needs to be provided for the storm drain from 7800 S. to Maverik.

IMPROVEMENT PLANS
14. Curb, gutter and sidewalk will be installed along the frontage of the Schreifels (2610 E.) home on 7800 South in order to complete the road and collect the storm water in the area. The cost for this will be the City's responsibility, as this home is not part of the development. There may also be a need to upsize (depending on final design slope) the storm drain line through the development, which would be the City's cost as well. This will require a cost share agreement with the developer.

15. The fire hydrants need to be located as required by the Fire Marshal.

16. Blow-offs are not allowed. A fire hydrant must be placed at each end of the hammerhead in for the townhomes.

17. The roadway width must be 26' wherever a fire hydrant is located. Adjustments need to be made accordingly to the road in the townhomes.

DRAFT

18. The width of the road for the townhomes is too narrow to all allow for any on-street parking. The curb should be painted red, or No Parking signs installed.

19. In order to better meet ADA requirements, we would recommend making the sidewalk a minimum of 5' wide.

20. The parkstrip along 2700 E. is not currently landscaped. The Landscape Plans should include landscaping the parkstrip.

21. The percent of landscaping provided needs to be shown for each lot and be compliant with the landscaping requirements in the City Code.

Commissioner Grubb moved to recommend approval to the City Council the Preliminary Subdivision Plat: South Weber Transition Subdivision (3 Lots) approx. 4.2 acres zoned CH located at approx. 7700 S 2700 E on Parcel (13-034-0065) for Applicant Dan Murray with the conditions that the development agreement between the city & Staker/Parsons is clarified (title exception #22) of the title report and clarify the reservation of restrictions of the special warranty deed of 19 August 2014 (title exception #25) of the title report. Commissioner Boatright seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

9. Rezone: South Weber Transitional Subdivision Lot 1 (approx. 1.2 acres) from CH to C for Car Wash. Applicant Scott Mortensen: Scott Mortensen approached the Planning Commission. He has analysis regarding the use the water and the reclamation of the water. He stated each bay has a pump in which some of the water is reclaim for side blasting and carriage wash. It meets the EPA requirements. This carwash uses high pressure and uses less water than washing your car at home. It also uses suds that are biodegradable. The solids are filtered out as water is used. He discussed the aesthetics and wants to make sure the building is welcoming. He is open to discussing it. He wants the lighting to be safe and welcoming but not overbearing. Regarding ingress/egress, they have tried to locate the carwash as close to the easement as possible. The self-serve bays provide 60 ft. of egress. It allows for a 35 ft. trailer. The only single directional is into the automatic bays. The entrance from the Maverik sections was widened. He stated their goal is to provide a local service to residents. He pointed out the recent public survey identified a carwash ranked #3 for public service. He has worked with and been a part of other carwashes developments.

Commissioner Osborne discussed the Planning Commission will probably put a sunset clause (if after a certain amount of time, this is not developed, the property reverts back to the original zone). Mr. Mortensen addressed the lighting and explained they will do what is necessary to abide by city code. He has a location for a monument sign, but it will not be as big as the Maverik sign. He stated the vacuums and dryers will create sound, but they will comply with restrictions set by the city. The hours are 24/7. The vacuums can be shut down if they want to.

Barry discussed this being a conditional use as per city code 10-5G-5. Commissioner Grubb suggested the rezone being tied to the site conditional use approval. Brandon suggested tying it to the applicant and the use. Barry would be more comfortable with a development agreement.

Commissioner Walton addressed citizen's concerns with the city being in the middle of updating the general plan. Barry explained Lot 1 is currently zoned C-H, which is more intense than the C-Zone. Commissioner Walton voiced this decision being difficult for him to make because of the city is currently in the process of amending the general plan. Barry pointed out if we are going to apply that logic, then we should have applied a moratorium on the whole city, and it has already been over a year on the general plan. Commissioner Boatright stated there is a current general plan in place. He doesn't feel it is right to tell any developer they can't develop their property because of the general plan is being amended. He agrees with this rezone request. Commissioner Grubb acknowledged the city doesn't have a moratorium on development right now. Commissioner Walton feels a carwash is a great use for this property. Commissioner Osborne doesn't feel the rezone request for this property is similar to the Ray property rezone requests because the Ray property request was from commercial to residential.

Commissioner Johnson moved to Rezone: South Weber Transition Subdivision Lot 1 (approx. 1.2 acres) from CH to C for Car Wash for Applicant Scott Mortensen subject to approval of a conditional use permit for a car wash. Commissioner Grubb seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

DRAFT