

**SOUTH WEBER CITY
PLANNING COMMISSION MEETING
WORK MEETING**

DATE OF MEETING: 12 October 2017

TIME COMMENCED: 6:00 p.m.

PRESENT: COMMISSIONERS:

**Tim Grubb (excused)
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton (excused)**

CITY ENGINEER:

Brandon Jones

CITY PLANNER:

Barry Burton

CITY MANAGER:

Tom Smith

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Bruce Nilson (Nilson Homes), Dana Shuler (Jones & Associates), Rob & Amy Nilsson, Cole Fessler, Michael & Joan Freestone, Kent Lybone, Janice Marriott, Jason Bickley, and Tammy Donovan.

Approval of Meeting Minutes of 14 September 2017 – Commissioner Pitts

Public Hearing on Amending Code Ordinances: 11.06 Impact Fees; 10.5P.2 & 3 Residential Patio (R-P), Permitted Uses and Conditional Uses: Commissioner Osborne has concerns with the Residential Patio Zone (R-P Zone) and doesn't feel ready to vote on this item yet. He is open to discussion and the public hearing, but not voting. He said he isn't convinced that the City needs to update it and likes the one they have now. He doesn't think there is another piece of ground in the City that is good for the zone. He feels the R-P Zone is better for slab on grade. He thinks some of the suggestions and ideas are not in the spirit of that zone. Barry Burton, City Planner, discussed the reasoning behind the changes. He met with Brandon Jones, City Engineer, to address the issue with the visual buffer. He said they met with a developer and discussed how to preserve some of that land. He said the Cook property has the biggest chunk of land that they would like to preserve. He said with lot widths and visual buffer zone that is currently required in the zone, there was a concern that they would never come close to that. Barry said this isn't high density. He said it is four units per acre, which is fairly low. He said with this type of zone there are typically fewer drivers, no children, etc. Commissioner Johnson said typically when you are trying to preserve a trail corridor, this is one of the options. Commissioner Osborne thinks the developer will preserve the open space anyway with the trail and trees that are there. Commissioner Osborne said he really only cares about the trees on the north side, where the trails are at. Commissioner Johnson feels it is another option to use. Commissioner Osborne is concerned about smaller lots. Commissioner Pitts is concerned about losing the trees to the south.

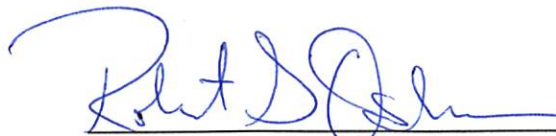
Public Hearing on Adopting Code Ordinance: 10.5Q Visual Buffer Overlay Zone (V-B):
Commissioner Osborne said he isn't ready to vote on this item as well. Barry Burton, City Planner, said the Visual Buffer Overlay Zone (V-B Zone) applies to any other zone that is adjacent to I-84. It gives incentives for a developer to preserve the trees along there. Commissioner Osborne asked then why are we entertaining the R-P Zone.

Public Hearing on Land Use Specifications: Public Works Standards: *(No discussion on this item)*

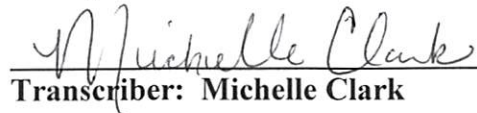
Public Hearing on Conditional Use Permit: Application for twin homes located at approx. 7170 S. 1700 E. (Parcel 13-017-0013) approx. 0.6 acres, by applicant Jason Bickley
Barry Burton, City Planner, stated Lot 13 is .6 acres or 26,136 square feet and sits in an R-L zone. That zone allows a twin-home as a conditional use. The City recently approved another twin-home on the lot adjacent to the west of this lot. Like that one, this lot has sat vacant for many years and is adjacent to I-84. The proposal is to split the lot in half, more or less, which would provide ample area in each part to meet our ordinance requirement. If successful with this application, the applicant would need to go through a subdivision amendment to split the lot. That amendment would be coming back to the Planning Commission for approval too. All that would really be required in the way of improvements would be to stub an additional water and sewer line into one side of the split.

ADJOURNED: 6:30 p.m.

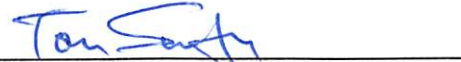
APPROVED:

 _____ Date 9 NOV 2017

Chairperson: Rob Osborne

 _____

Transcriber: Michelle Clark

 _____

Attest:

City Manager: Tom Smith

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 12 October 2017

TIME COMMENCED: 6:31 p.m.

PRESENT: COMMISSIONERS:

**Tim Grubb (excused)
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton (excused)**

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones

CITY MANAGER:

Tom Smith

CITY RECORDER:

Mark McRae (excused)

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Pitts

ATTENDEES: Bruce Nilson (Nilson Homes), Dana Shuler (Jones & Associates), Rob & Amy Nilsson, Cole Fessler, Michael & Joan Freestone, Kent Linabaugh, Janice Marriott, Jason Bickley, Tamera Donovan, Isaac Pantone, Anena Roberts, Kari Roberts, Crystal Hansen, Kasey Hansen, Brad Buchanan, Jimmy & Sarah Banks.

Commissioner Osborne excused Commissioner Walton and Grubb from tonight's meeting.

APPROVAL OF MEETING MINUTES

- **September 14, 2017**

Commissioner Pitts moved to approve the meeting minutes of 14 September 2017 as written. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

APPROVAL OF THE AGENDA: Commissioner Johnson moved to approve the agenda as written. Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: (None)

Commissioner Johnson moved to open the public hearing for Amending Code Ordinance: 11.06 Impact Fees Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Public Hearing on Amending Code Ordinance: 11.06 Impact Fees: Tom Smith stated the Impact Fee Analysis (IFA) uses the information provided in South Weber City's recently completed Capital Facilities Plan (CFP) and Impact Fees Facilities Plan (IFFP) to calculate the proportionate share for impact fees that the City can charge to new development. South Weber City is projected to grow by 688 equivalent residential units (ERU's) between 2017 and 2027. The maximum gross fee that can be charged is \$2,933.85 per ERU. The existing level of service for park improvements is calculated by taking the total cost of \$1,344,333 and dividing by the existing population of 7,462, which results in a service level of \$180.16 per capita. Because of the growth anticipated to occur in the City, impact fees are a viable means of allowing new development to pay for the impacts that it places on the existing system. This IFFP is developed in accordance with legal guidelines so that an Impact Fee Analysis for Parks, Recreation, and Trails may be prepared, and the City may charge impact fees for Parks, Recreation, and Trails.

Commissioner Osborne asked if there was any public comment. There was none.

Commissioner Pitts moved to close the public hearing for Amending Code Ordinances: 11.06 Impact Fees. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Commissioner Osborne moved to recommend approval to the City Council for Amending Code Ordinance: 11.06 Impact Fees. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

Commissioner Johnson moved to open the public hearing for 10.5P.2 & 3 Residential Patio (R-P), Pitts seconded. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Public Hearing on Amending Code Ordinance: 10.5P.2 & 3 Residential Patio (R-P), Permitted Uses and Conditional Uses: Barry Burton, City Planner, explained the density change from 6 units to 4 units. He said they will also increase the maximum area from 10 to 20 acres, and remove the requirement for a buffer yard but include a requirement for a screening fence. He said enforcing buffer yards can be extremely difficult. He said often times developers

have sold the lots to the builder. He said bonding for this type of improvement becomes problematic as well. He said it might be years before a lot is built on. He said the purpose for the buffer yard is to minimize the impact and it is his feeling that a fence accomplishes that on its own. Commissioner Osborne asked if there was any public comment.

Cole Fessler, 7233 S. 1700 E., questioned why change it now. He isn't sure why this isn't left the same. Barry said the City Staff feels the 6 units per acre is too high. He said as far as the area goes, in talking to developers, it is financially feasible to do it.

Commissioner Johnson moved to close the public hearing for 10.5P.2 & 3 Residential Patio (R-P), Pitts seconded. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Commissioner Osborne suggested discussing this item further in a Planning Commission work meeting.

Commissioner Johnson moved to open the public hearing for Adopting Code Ordinance: 10.5Q Visual Buffer Overlay Zone (V-B). Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Public Hearing on Adopting Code Ordinance: 10.5Q Visual Buffer Overlay Zone (V-B)
Barry Burton, City Planner, discussed the area along I-84 where there are existing native trees. He said a lot of people feel this area needs to be preserved. He said with addition to that there is a proposed trail. He said this ordinance is an overlay zone. He said there is a lot width that is being proposed. He said in order to allow the developer to achieve the density we allow for the underlying lot zone requirement. He said the side yard is adjusted as well. Commissioner Osborne asked if there was any public comment.

Bruce Nilson, 5617 S. 1475 E., said he is the developer interested in developing the Cook property. He understands the interest is preserving the trees in that area. He feels this particular zone is fair to both parties. He then discussed patio homes. He said seniors are looking for smaller lots because of the lifestyle they lead. He invited the Planning Commission to visit some of Nilson Homes' developments.

Cole Fessler, 7233 S. 1700 E., asked about the size of the zone. Barry said it would be from the posse grounds to Cottonwood Cove Subdivision. He said the width varies depending on the trees. Cole states his opinion that the lots aren't buildable, and the city is making changes to encourage the development. Barry notes all the lots in this zone are buildable.

Commissioner Pitts moved to close the public hearing for Adopting Code Ordinance: 10.5Q Visual Buffer Overlay Zone (V-B). Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Commissioner Johnson moved to open the public hearing for Land Use Specifications: Public Works Standards. Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Public Hearing on Land Use Specifications: Public Works Standards: Commissioner Johnson said he hasn't had time to review this item since he just received the email. Brandon Jones, City Engineer, said the City has currently adopted city standards and this is an update to those. He said we will adopt the 2017 APWA Specifications. He said it covers public utilities (water, sewer, storm drain, streets, etc.) He said the Legislature requires these be adopted as city code. He said the City Council will also need to adopt. He said we are proposing to amend the paving section. He said they are shooting for a design life of 15 years and seal coat of 20 years. He said the asphalt specification for itself is proposed to change as well. He said some of these changes will help lengthen the life of a road. He said they will also change sidewalk installation from 4 to 6 inches. He feels this will help to prevent sidewalks from breaking. He feels that long term there will be cost savings. He said the street light fixtures will now be different and developers will pay for them up front and the city will ask for them to be installed. Commissioner Osborne suggested adding installation of pipe under the sidewalk for sprinkling system in the park strip. Brandon said that would be one more thing on the list to check. Barry said a lot of communities are becoming concerned with light pollution. He said if you want you can put in a requirement to put in a shield to prevent that. Brandon said that is important to note and would need to be researched. He said the Public Works Department has reviewed this as well.

Commissioner Osborne asked if there was any public comment. There was none.

Commissioner Pitts moved to close the public hearing for Land Use Specifications: Public Works Standards. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Commissioner Johnson moved to table the Land Use Specifications: Public Works Standards until next Planning Commission meeting. Motion died due to lack of a second.

Commissioner Pitts moved to recommend approval and move forward to City Council. Commissioner Osborne seconded the motion. Commissioners Osborne, and Pitts voted yes. Commissioner Johnson voted no. The motion carried 2 to 1.

Commissioner Pitts moved to open the public hearing for Conditional Use Permit: Application for twin homes located at approx. 7170 S. 1700 E. (Parcel 13-017-0013) approx. 0.6 acres, by applicant Jason Bickley. Commissioner Johnson seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Public Hearing on Conditional Use Permit: Application for twin homes located at approx. 7170 S. 1700 E. (Parcel 13-017-0013) approx. 0.6 acres, by applicant Jason Bickley
Jason Bickley, 2024 E. Gentile Layton City, Utah, said he is familiar with the property. He has noticed the recent construction next to this property. He said this is a nice build similar to the twin homes in Peacefield Subdivision in Layton. He said there is a ditch easement along the back. He is proposing to bury that.

Barry Burton, City Planner, said Lot 13 is .6 acres or 26,136 square feet and sits in an R-L zone. That zone allows a twin-home as a conditional use. He said the City recently approved another twin-home on the lot adjacent to the west of this lot. Like that one, this lot has sat vacant for many years and is adjacent to I-84. He explained that the proposal is to split the lot in half, more or less, which would provide ample area in each part to meet the City ordinance requirement. If successful with this application, the applicant would need to go through a subdivision amendment to split the lot. That amendment would come back to the Planning Commission for approval too. All that would really be required in the way of improvements would be to stub an additional water and sewer line into one side of the split. Barry said there is an existing public street. He said it would be nice to get some tax base to help pay for the maintenance on that street. He feels it is a great idea.

Commissioner Osborne asked if there was any public comment.

Rob Nilsson, 1780 S. 1750 E., said he purchased lot 10 in that subdivision and will be building a \$500,000 house on that lot. He said they have multiple friends and acquaintances who are interested in the purchase of these lots for single family dwellings. He has children and is concerned about increasing traffic with these units. He is opposed to this development.

Tamera Donovan, 7275 S. 1700 E., said she is opposed to a multi-unit development. She said the property owners of the lots should be paying taxes to help maintain that road. She said this is a quiet area with not a lot of traffic. She said there are really two building lots. She feels the neighborhood would be better served if the lot was split. She doesn't think it is in the best of the City to take the side of the builder to reduce his cost.

Mike Freestone, 7197 S. 1700 E., said that is a small cul-de-sac. He is concerned about the units going up as rentals.

Kent Linabaugh, 3000 Connor Street Salt Lake City, Utah, represent the owners of the lot, he said 30 years ago Mr. & Mrs. Alma Bricker took a purchase money lien with Lot 12 & Lot 13. He said the Bickers' are since deceased. He has worked with Rocky Mountain Power concerning the easement. He said the owners of the lots fully support the efforts of Mr. Bickley.

Crystal Hansen, 7293 S. 1750 E., said she is concerned that this will create more traffic. She said they moved to the area because it was low impact.

Rob Nilsson, 1780 S. 1750 E., said the portrait that these lots have been sitting vacant is completely false. He said these people don't even live in South Weber. He said he is asking for a little piece of his world to be taken into account.

Cole Fessler, 7233 S. 1700 E., said he has been a resident of South Weber for 30 years. He bought his house because of the neighborhood, because of the cul-de-sac, etc. He said they aren't putting two houses in there because they can't fit it. He is opposed to twin homes. He said lots in the area are ½ acre lots.

Kent Linabaugh, 3000 Connor Street Salt Lake City, Utah, said he does not lie and he hasn't told an untruth. He is taking a position that he supports this request. He said we have had no other offers on these two lots in 20 years.

Jason Bickley, 2024 E. Gentile Layton City, Utah said his parents live in South Weber and he grew up in South Weber. He said he is willing to go with the two lots and work with Barry Burton. He didn't come here thinking he would cause contention.

Cole Fessler, 7233 S. 1700 E., said this is a single-family neighborhood. He said the outcry is because this isn't what the community wants. He said this isn't an area that has several twin homes.

Tamera Donovan, 7275 S. 1700 E., said there is nothing about this application that benefits South Weber City. She said there is nothing in the City mandate that says this is the best use for this property.

Mike Freestone, 7197 S. 1700 E., said he is not happy with the recent construction of the twin home.

Amy Nilsson, 1780 S. 1750 E., said since they have purchased their lot they have had several people who have tried to check into those lots for a single-family home. She feels the standard should be single family dwellings. She said they have been waiting a long time to build and this is a disappointment

Jimmy Banks, 7348 S. 1700 E., said he offered to purchase one of the lots. He is guessing they are trying to get as much money as they can for the lot. He asked the Planning Commission to take into consideration the citizens' concerns.

Kent Linabaugh, 3000 Connor Street Salt Lake City, Utah, said he has not had anyone contact him to purchase these lots.

Anena Roberts, 7234 S. 1700 E., said she thought you couldn't build on the lots because of the power lines. She thinks there is some misunderstanding as to who owns the lots. She feels the people who live down there want to see bigger lots. She feels they should be single family lots.

Bret Buchanan, 1716 E. 7250 S., said he is not a fan of twin homes. He would rather see single family dwellings.

Commissioner Johnson moved to close the public hearing for Conditional Use Permit: Application for twin homes located at approx. 7170 S. 1700 E. (Parcel 13-017-0013) approx. 0.6 acres, by applicant Jason Bickley. Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

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

Commissioner Johnson said this is not a duplex but twin home which is individually owned by each property owner. He would prefer to see a single-family home. Commissioner Pitts is leaning towards maintaining the integrity of the surrounding property owners.

Barry Burton said at some point when the zone was adopted the community said twin homes was okay and when they zoned the property the community was saying that was okay. He understands that was a long time ago. He said we must follow State law. He said if the city doesn't follow the law, the city is open to legal issues. He said twin homes was always a possibility in this subdivision. He said if they meet those conditions, the City must allow it. Commissioner Johnson said he has seen more and more over the years that the State Legislature is getting more and more restrictive on local communities and what they can do. Commissioner Osborne said he is a huge proponent of allowing people to do what they want on their property. He wouldn't want anyone telling him what to do with his property, if he is following the law. He would recommend the Planning Commission table this item and explore the possibility of splitting the lot to see if two homes can go on the lot.

Barry explained that this is a public hearing and there will not be another public hearing.

Tom Smith discussed the process of public hearings and what steps will be taken from this point. He gave citizens instructions on how to get notification of any public meetings.

Commissioner Osborne moved to table the Conditional Use Permit: Application for twin homes located at approx. 7170 S. 1700 E. (Parcel 13-017-0013) approx. 0.6 acres, by applicant Jason Bickley until this can be discussed in a work session to explore other options. Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, and Pitts voted yes. The motion carried.

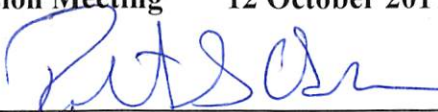
PUBLIC COMMENTS:

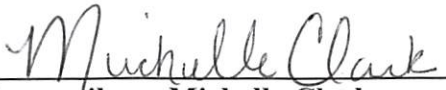
Tamera Donovan, 7275 S. 1700 E., suggested the Planning Commission to get a legal opinion concerning the conditional use permit.

Kasey Hansen, 7293 S. 1750 E., appreciates Mr. Bickley and said he is one who is a proponent of being able to do with what you want with your property. He said with the recent fire, it was difficult for him to get to his home as he was on his way home. He is concerned about increasing traffic in the area.

Amy Nilsson, 1780 S. 1700 E., said we are also concerned that the other lots will turn into twin homes if this is approved.

ADJOURNED: Commissioner Pitts moved to adjourn the Planning Commission meeting at 8:35 p.m. Commissioner Johnson seconded the motion. Commissioners Pitts, Johnson, and Osborne voted yes. The motion carried.

APPROVED:  Date 9-11-2017
Chairperson: Rob Osborne


Transcriber: Michelle Clark

Attest: 
City Manager: Tom Smith