

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

**DATE OF MEETING:** 13 September 2018

**TIME COMMENCED:** 6:07 p.m.

**PRESENT: COMMISSIONERS:**

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

**CITY ENGINEER:**

Brandon Jones

**CITY PLANNER:**

Barry Burton

**PLANNING COORDINATOR:**

Lisa Smith

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** Mike Bastian, Blair Halverson, and Bruce Nilson,

## **Approval of Consent Agenda**

- **Minutes July 12, 2018**
- **Minutes August 9, 2018**

**Dan Murray Property:** Discussion took place concerning Dan Murray property located on the frontage road of 2700 East. Blair Halverson stated Mr. Murray attended the last City Council meeting and asked their opinion on his 4.0 acre property located south of the Maverik. He said Mr. Murray said he doesn't have any interest from individuals for commercial and wanted to know about the possibility of high density. Brandon Jones, City Engineer, said if there are areas in the city that keep coming up, we may need to look at amending the land use map. Barry Burton, City Planner, said he feels it is time. He has had several developers interested in high density. Brandon said the last time the land use map was reviewed was in 2014. Council Member Johnson said the city needs input from the residents as to what they want. Commissioner Osborne said he would like to allow the City Manager some time to get to know the city first.

**Public Hearing and action on Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07**

**Conditional Uses:** This proposed ordinance amendment would allow two-family dwellings at Major Intersections. Major Intersections are intersections of a minor arterial street (South Weber Drive) and a major collector street or of two major collector streets.

Barry Burton, City Planner, said there are potentially four intersections, three currently and one in the future, where this condition could occur. One of those intersections would be eliminated if the proposal only allowed the condition to occur at intersections of minor arterials and major collectors. The two existing intersections of a major collector and South Weber Drive, 1200 E and 1900 E, would allow only two lots to contain a two-family dwelling. The future intersection of South Bench Drive and South Weber Drive would potentially have four lots where there could be two-family dwellings. The one intersection of two major collectors, Deer Run Dr. and 2700 E, would only have potentially one lot where this could occur.

Commissioner Johnson feels there could be a safety issue with this proposal. He said going back to the planning process survey, the citizens of the city don't want duplexes in the city. Commissioner Osborne said if this is approved, he would like to identify the specific intersections. Blair Halverson asked if the code limits access from the busy street. Barry said that can be an addition to the amendment. Commissioner Osborne doesn't understand how this is a financial burden for Mike Bastian to purchase the lot on 1900 East and South Weber Drive. Mike Bastian discussed those who can only afford to purchase a duplex versus someone who can afford residential. Commissioner Pitts said duplexes are not esthetically pleasing.

Lisa Smith stated there will be a joint City Council and Planning Commission meeting on 25 September 2018 at 6:00 p.m. to discuss mixed use development.


**Public Hearing and Action on Conditional Use 18-08. Application for PUD Overlay for the Cook Property at approximately 725 E 6640 S (29 lots) by applicant Bruce Nilson: (No Discussion on this item)**

**Public Hearing and Action on Revised Preliminary Plat Approval. Revised plat for the Cook Property at approximately 725 E 6640 S (63 lots) by applicant Bruce Nilson: (No Discussion on this item)**

**Public Hearing and Action on Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson: (No Discussion on this item)**

**ADJOURNED:** 6:30 p.m.

**APPROVED:**

 Date 10/11/18  
Chairperson: Rob Osborne

  
Transcriber: Michelle Clark

Attest:   
Planning Coordinator: Lisa Smith



# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 13 September 2018

**TIME COMMENCED:** 6:31 p.m.

**PRESENT: COMMISSIONERS:**

Tim Grubb (arrived at 6:41 p.m.)  
Debi Pitts  
Rob Osborne  
Wes Johnson  
Taylor Walton (excused)

**CITY PLANNER:**

Barry Burton

**CITY ENGINEER:**

Brandon Jones

**PLANNING COORDINATOR:**

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

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

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**PLEDGE OF ALLEGIANCE:** Commissioner Osborne

**ATTENDEES:** Blair Halverson, Lynn Poll, Jeanine Bird, Paul Sturm, James Cook, Stanley Cook, Jed Nilson, Ivan Ray, Mark Reese, Stacey Eddings, Darrell Byram, and Michael Head.

## **APPROVAL OF CONSENT AGENDA**

- Minutes July 12, 2018 Not a full quorum to approve
- Minutes August 9, 2018

Commissioner Grubb moved to approve the minutes 9 August 2018. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, and Johnson voted yes. Commissioner Osborne abstained. The motion carried.

**DECLARATION OF CONFLICT OF INTEREST:** (None)

Commissioner Johnson moved to open the public hearing. Commissioner Pitts seconded the motion. Commissioners Pitts, Johnson and Osborne voted yes. The motion carried.

\*\*\*\*\* PUBLIC HEARING\*\*\*\*\*

**Public Hearing and action on Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07**

**Conditional Uses:** Commissioner Osborne stated this item was brought up because there are certain locations in the city that have been difficult to develop. He said this proposed ordinance amendment would allow two-family dwellings at Major Intersections. Major Intersections are intersections of a minor arterial street (South Weber Drive) and a major collector street or of two major collector streets.

Commissioner Osborne stated there are potentially four intersections, three currently and one in the future, where this condition could occur. One of those intersections would be eliminated if the proposal only allowed the condition to occur at intersections of minor arterials and major collectors. The two existing intersections of a major collector and South Weber Drive, 1200 E and 1900 E, would allow only two lots to contain a two-family dwelling. The future intersection of South Bench Drive and South Weber Drive would potentially have four lots where there could be two-family dwellings. The one intersection of two major collectors, Deer Run Dr. and 2700 E, would only have potentially one lot where this could occur. It is proposed that the following amendments be made to Title 10 of the South Weber Code:

**10.01.100 Definitions**

Add the following definition:

**MAJOR INTERSECTION:** An intersection of a minor arterial street and a major collector street or the intersection of two major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

**10.5A.3 Conditional Uses**

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.5B.3 Conditional Uses**

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.5D.3 Conditional Uses**

Add the following land use to the list of Conditional Uses:

16. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.07 Conditional Uses**

Add the following to Chapter 7 Conditional Uses:

Add to the index:

Article L Two-Family Dwellings at a Major Intersection

Add Article L

**Article L Two-Family Dwellings at a Major Intersection**

10.7L.1 Purpose

10.7L.2 Conditions Required

**10.7L.1 Purpose**

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

**10.7L.2 Conditions Required**

A conditional use for a two-family dwelling in certain single-family residential zones may be approved if the following conditions are met.

A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.

B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.

C. Access to driveways shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.

Commissioner Osborne asked if there was any public comment.

**Mark Reese, 1519 East South Weber Drive**, asked what the current zoning is for these areas. Commissioner Osborne said they are currently single family residential. Mr. Reese asked the reason for the change. Commissioner Osborne stated purchasing a single-family home is more difficult than renting a duplex. He said a lot on two major intersections is not worth as much as with a single-family home. Mr. Reese asked about safety issues. Barry explained access would come off the major collector verses the minor arterial.

**Stacey Eddings, 2645 E. 7800 S.**, said when you put extra homes there will be more congestion. She is not okay with these houses or the traffic.

**Ivan Ray, 7268 S. 1600 E.**, asked if this will affect the current zoning as it now exists. Barry said the proposal doesn't change the zoning. Mr. Ray said he has property at 1550 East South Weber Drive that is zoned commercial. Barry said 1550 is a minor collector and this is for only major collectors.

**Commissioner Pitts moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

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

**Commissioner Grubb arrived at 6:41 p.m.**



Commissioner Pitts asked about how many intersections this affects. Barry said four current intersections but up to ten in the future. Commissioner Grubb doesn't think the impact is great. He understands safety being an issue and would push for some sort of turnaround within the property with a hammerhead or circular drive. Barry said he understands the difficulty in selling property on a busy corner. He said the number of potential incidents where this can happen is low. He said if you can design driveways that can help enter and exit safer, then he doesn't see it is a real problem. Commissioner Johnson is concerned about doubling the amount of traffic. Barry discussed adding a condition item D – *the driveway or driveways would be required to come out on the major collector and not the minor arterial*. Commissioner Osborne suggested identifying the specific intersections. He said any plans will be brought to the Planning Commission for approval.

**Commissioner Grubb moved to recommend approval of Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses with the following:**

- 1. Add Item D - the driveway or driveways would be required to come out on the major collector and not the minor arterial.**
- 2. Add Item E identifying intersections future South Bench Drive & South Weber Drive, intersection at 1900 East South Weber Drive, and intersection at 1200 East and South Weber Drive, and intersection of Deer Run Drive and 2700 East.**
- 3. Add Item F any building plan to be approved by Planning Commission**
- 4. Add Item G Driveways must be designed so that vehicles enter and exit in a forward motion.**
- 5. Barry will make sure language is correct prior to going before the City Council.**

**Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, and Osborne voted yes. Commissioner Johnson voted no. The motion carried 3 to 1.**

**Commissioner Pitts moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING\*\*\*\*\***

**Public Hearing and Action on Conditional Use 18-08. Application for PUD Overlay for the Cook Property at approximately 725 E 6640 S (29 lots) by applicant Bruce Nilson:**

Barry Burton, City Planner, stated this proposal to allow a PUD (Planned Unit Development) overlay on 13.17 acres of the Cook property. The advantage for the City in allowing this is that we will be able to preserve 4.00 acres of open space that contains a nice natural area with quite a few existing trees. No, the trees didn't get burned up in the fire last year. This open space would be adjacent to the Posse Grounds and would allow the combination of the two into a more robust public space.

Barry said the advantage to the developer would be that they could essentially do patio homes on about 18.5 acres of the Cook parcel. This would allow them to reduce lot widths and sizes such that the patio homes are feasible within the R-M portion of the property.

**Bruce Nilson, of Nilson Homes**, said they would like some continuity in the subdivision. He feels keeping trees will be a nice barrier. He said they are anxious to build a nice park for the community. He said they have looked at a lot of different plans and this feels good.

**Lynn Poll, 826 E. South Weber Drive**, asked if this is a PUD is the road private? Brandon said all the roads will be publicly owned and maintained by the City.

**Jeanine Bird, 6882 S. 675 E.**, said she borders the property line of the new development. She is concerned about the size of the structure. She would like to know what will happen to the fence line. Commissioner Osborne said those items will be discussed during the plat approval.

**Commissioner Johnson moved to close the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

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

Commissioner Johnson asked about the trail. Barry said the trail is in the South Bench Drive right of way. Commissioner Johnson would suggest keeping the trees in the open space. Commissioner Pitts agrees.

**Commissioner Grubb moved to recommend approval for Conditional Use 18-08. Application for PUD Overlay for the Cook Property at approximately 725 E 6640 S (29 lots) by applicant Bruce Nilson. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**Commissioner Johnson moved to open the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**\* \* \* \* \* PUBLIC HEARING \* \* \* \* \***

**Public Hearing and Action on Revised Preliminary Plat Approval. Revised plat for the Cook Property at approximately 725 E 6640 S (63 lots) by applicant Bruce Nilson:** Barry Burton stated the reason for the revised preliminary plat is to accommodate the proposed PUD. The approval of a PUD would allow the developer to significantly alter the plan from the previously approved plan. The previous plan had a total of 62 lots on both R-M and R-P sections with no open space. This plan has a total of 63 lots with 4.00 acres of open space.

This layout is similar to the one previously approved except that it has only one access onto South Bench Drive due to the open space location. The road pattern works well, and the lot layout is okay. The only oddity is a small piece of open space of 6621 square feet that is separated from the main part.



Barry Burton said the fence will be addressed a little bit down the road. He said the fence is a 6 ft. chain link fence that will remain. Commissioner Grubb said the Canyon Meadows developer installed the fence.

**Commissioner Grubb moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

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

Commissioner Grubb discussed the open space on the east side. Bruce Nilson said they are looking at attaching it to the lot. Brandon said the adjacent property could maintain it as open space. Barry said it can be covered by easement or privately owned. Commissioner Grubb suggested doing it as an easement. Commissioner Grubb asked about the larger open space and the retention basin on that. Barry said the developer is willing to turn it over to the city. Commissioner Grubb said it is important to discuss, in the future, how that open space will be improved. Brandon said the Planning Commission has the authority to approve the preliminary plat, but it is subject to the City Council approving the PUD.

**Commissioner Johnson moved to recommend approval of the Revised Preliminary Plat for the Cook Property at approximately 725 E 6640 S (63 lots) by applicant Bruce Nilson. Commissioner Grubb seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**Commissioner Grubb moved to open the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING\*\*\*\*\***

**Public Hearing and Action on Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson:**

Barry Burton, City Planner's, memo of 7 September 2018 is as follows:

**GENERAL INFORMATION:** This proposal is to change Section 10.5P.6 to read:

*10.5P.6 Maximum Structure Height*

*A. ~~Main, accessory and temporary buildings and structures are not to exceed twenty five feet (25')~~ Main buildings and structures are not to exceed thirty five feet (35'); accessory and temporary buildings or structures are not to exceed twenty five feet (25').*

This change would allow the developer to meet a demand they say is being generated by their customers for loft space on a second floor.

**RECOMMENDATION:** I don't have a strong opinion on this matter, though I have no objection to the change. These R-P zones are generally in areas where the surrounding residential



zones have a 35' height limit, so the impact to neighboring zones would be minimal. I think the original intent of the height restriction was to require single story homes, homes that cater to those that don't want to deal with stairs. But, the zone does not preclude basements, so it doesn't really preclude stairs either. All the patio homes we have seen built so far in the City have basements. It seems that if the buyer doesn't want stairs, they can demand a unit that doesn't have them without the zone controlling that.

**Bruce Nilson, of Nilson Homes**, said there are two different zones and they are trying to make it one community. He said 25' is very inhibiting, especially with the type of home they build. He said many of the homes now have bonus rooms. He said the water level also creates limits.

**Jeanine Bird, 6882 S. 675 E.**, said she is concerned about the size of home. She understands the variety of homes and water levels etc. but she would hope the developer would be mindful of the existing homes already in the area.

**Paul Finfield, 6924 S. Canyon Meadows Drive**, said he is in a single-story home and there is a two story across the street from him. He doesn't think these homes should be more than a single story. He said this will be intrusive on the fence line.

**Commissioner Grubb moved to close the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

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

Commissioner Grubb said there was no plan for patio homes in this area, but a residential subdivision. He said with patio homes the set backs are smaller. He said 35' will appear much taller when it is closer. He doesn't see bonus rooms being a big issue. He asked if there can be something in between.

Bruce Nilson said the intent is to make a beautiful community. He said the ground water will allow for full basements. He said there isn't a bonus room on top of a two story. He said we are finding people want a 12' garage door. He said it would be compromising to do something less than that. Brandon Jones, City Engineer, said there is the RM and the RP Zone. He said the southern end (10 acres) is in the RP Zone. Barry Burton, City Planner, asked if there is a way to look at the houses in Canyon Meadows and Bruce Nilson agrees the adjacent lots are lower units. He said this can be done in a development agreement.

**Jeanine Bird, 6882 S. 675 E.**, discussed her backyard being small.

Commissioner Osborne said when the Planning Commission created the R-P Zone we were looking at a patio home look. He said we already have a zone that allows for 35' in the R-M Zone. He is concerned about the Planning Commission flip flopping. He doesn't want to change the ordinance for one specific case. Council Member Grubb likes the idea of doing a development agreement for specific lots. Commissioner Johnson said an ordinance is in place.

**Commissioner Grubb moved to recommend Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson with this only being done with a development agreement on Lots 3**

thru 12 to match the homes along the west side of the existing development in height. Council Member Grubb withdrew his motion.

Commission Grubb moved to reopen the Revised Preliminary Plat for the Cook Property at approximately 725 E 6640 S (63 lots) by applicant Bruce Nilson to address the development agreement. Motion died due to lack of a second.

Commissioner Grubb moved to recommend Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson with this only being done with a development agreement on Lots 3 thru 12 to match the homes along the west side of the existing development in height. Motion died due to lack of a second.

Commissioner Osborne moved to deny Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson. Commissioner Johnson seconded. Commissioners Pitts, Johnson, and Osborne voted yes. Commissioner Grubb voted no. Motion carried 3 to 1.

**PUBLIC COMMENTS:** (None)

**PLANNING COMMISSION COMMENTS:**

**Commissioner Johnson:** He said there are some street lights not installed in new developments. Brandon said we are working on a potential policy change for that. He asked about the status of the RV Park. He said there is a 100 ft. setback from the high-water mark of the Weber River. He said Weber County requires that, but this property is in Davis County. Barry said the original survey between the two counties is down the middle of the river, but the river has shifted. He also stated the restrictions are regarding permanent structures and the RVs are not permanent.

**ADJOURNED:** Commissioner Grubb moved to adjourn the Planning Commission meeting at 8:04 p.m. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson, and Osborne voted yes. The motion carried.

**APPROVED:**

  
Chairperson: Rob Osborne

Date

10-11-18

  
Transcriber: Michelle Clark

  
Attest: Planning Coordinator: Lisa Smith