

**Comments to and Questions for
South Weber City Planning Commission
For 17Dec20 Meeting
by Paul A. Sturm**

Agenda Item 6 - Public Hearing and Action on PRELIMINARY Site Plan, Improvements & Amended Development Agreement for: The Lofts at Deer Run located at approx. 7870 S 2700 E by Developer Joseph Cook of Deer Run Development LLC

After a review of the 524 pages in the Packet regarding the Lofts project, I have the following questions and comments. They are being presented with a reference to the page in the packet:

- 1) Packet Pages 38 and 39 of 561 - Barry Burton preliminary review of 8Dec20.
 - a) PL2 - The original Development Agreement showed 27,000 sf of commercial in this C-O Zone property. The current proposal shows only 3,985 sf of commercial.
 - b) PL9 - The C-O zone requires several design criteria. Some of these are that 100% of the first floor (Building A) must be commercial, and the commercial must have an entrance to the main street.

- 2) Packet Page 45 of 561 - Paragraph D - Brandon Jones
The Day Care was used by Laurie Gale as the primary rationale for changing the zoning on this property from C-H to C-O. We have now lost more property for commercial development.

- 3) Packet Page 56 of 561- Lofts Application
This application is not dated or signed! This is the first time the citizens have seen this document and there have been changes to the principals listed.

- 4) Packet Page 73 of 561 - Lofts Taxes
Have the taxes been paid on the five properties for 2019? The Title Report was not updated for this presentation.

- 5) Packet Pages 70 and 75 of 561 - Lofts Insurance Amounts
Page 70 shows \$890,000 and Page 75 shows \$660,000. Why the difference?

- 6) Packet Page 82 of 561 - Lofts Topography
The figure shows that the western portion of the property is approximately 4604 elevation where Building B is proposed. I believe that this is lower than the drainage inlet under the canal, thus drainage will be difficult.

- 7) Packet Page 93 of 561 - Lofts Proposed Development Agreement
 - a) The introductory paragraph shows Deer Run Plaza, LLC as the "Owner". This is no longer the case as shown on Davis County Property Search records, thus this is an error for this amended legal document!
 - b) This impacts Paragraph 12 of the Development Agreement "Owner". Since these properties were purchased by Deer Run Investments, LLC, this entity should be listed as the "Owner"
 - c) The same is true for Packet Page 99 of 561.
 - d) This fact of ownership by Deer Run Investments, LLC for this property is also shown on Page 284 of 561 in the CMT Engineering report.

- 8) Packet Page 94 of 561 - Lofts Proposed Development Agreement - Item #5 - Building permit approval and occupancy will not be contingent upon sewer capacity. This concern has been mentioned in nearly every Public Comment for this Lofts property and it is still there! If usage from the Lofts property exceeds the sewer capacity, who would get flooded with sewage. This happened several years ago when a sewer system was improperly installed in the subdivision off of 2700 E., south of Deer Run Drive. Multiple residences on Deer Run Drive had raw sewage flood their basements.

- 9) Packet Pages 94 & 95 of 561 - Lofts Proposed Development Agreement - Item #6 - Density "The Development will be limited to not more than sixty (60) new residential units. The Development shall include a ground floor commercial component fronting 2700 East Street. However, only that portion of the Development fronting 2700 East Street, not one-hundred percent (100%) of the floor area on the first level of that structure, must be commercial."
 - a) This statement does not include any minimum percentage!
 - b) As shown in succeeding drawings, if there are 8 businesses, they cannot all face the Frontage Road (See Packet Page 511), yet the drawing on Packet Page 559 shows four building entrances.

- 10) Packet Page 102 of 561 - Lofts Traffic Study
During the recent Lofts presentation to the SWC City Council, the council requested of A-Trans to present a comparison of the theoretical versus actual travel flow for the Lofts project. I did not see this presented anywhere in this current presentation! Members of the City Council had conducted on-site surveys at other similar developments and had stated their concerns.

- 11) Packet Pages 102 and 158 of 561 - Lofts Traffic Study
Why do the Table of Figures for the May 2020 and November 2020 vary?

- 12) Packet Page 160 and 161 of 561 - Lofts Proposed Development Agreement - Traffic Study
I Introduction and Summary (Page 160)
a) I do not agree with the statement made in the third bullet. How does one know that there will not be left out access. Who would enforce a "No Left Turn" access?
III Introduction and Summary (Page 161)
b) There should also be a fourth bullet to address Deer Run Drive traffic that will be turning left in front of the Lofts property. Sight distance from Deer Run Drive to 2700 E. could be a safety issue and should be addressed in the Traffic Study.
- 13) Packet Page 168 of 561 - Lofts Traffic Study - Figure 5
Does not address the traffic from Deer Run Drive
I believe the 5% shown for traffic on 2700 E. is too low considering the number of houses south of Deer Run Drive that use 2700 E.
- 14) Packet Pages 169 to 173 of 561 - Lofts Traffic Study - Figures 6 & 8 & 9.
These figures do not address the middle access point with respect to any traffic patterns. I believe that this report is inconsistent and not complete. Why was the middle access point not addressed? The middle access point needs to be addressed because of the construction phasing proposed. (See Packet Page 526.)
- 15) Packet Page 192 of 561 - Lofts Study
a) The third access point, once again was not addressed in this updated traffic report. (Please see Paragraph 15) above.)
b) The traffic impact of Deer Run Drive and the 2700 E. traffic coming from south of Deer Run Drive needs to be addressed from a safety aspect.
- 16) Packet Page 209 and 213 of 561 - Lofts Geotechnical Study - Elevation Relief Disconnects
a) Paragraph 4.1 states that "The site sits at an elevation of between approximately 4,605 and 4,655 feet above sea level. A relief of approximately 50 feet.
b) Paragraph 5.1 states "The overall site slopes gently to the west/northwest with a total relief on the order of about 20 feet with localized steeper shallow slopes including shallow drainages." Is the relief 20 or 50 feet?
c) Paragraph 5.1 also states "... similar vacant property to the south, and by 2700 East along the east. The property to the south contains houses.
- 17) Packet Page 252 of 561 - Lofts Geotechnical Study - Hazards Analysis - Sensitive Lands
Regarding "Sensitive Lands", this issue has been addressed several times in Public Comments to both the SWC PC and CC. I do not believe that anything regarding Sensitive lands has been presented until now and should be thoroughly reviewed. This is especially true since the update to the SWC General Plan.

- 18) Packet Page 254 of 561 - Lofts Geotechnical Study - Hazards Analysis - Earthquakes
The following statement from this paragraph does not make sense.
(Earthquake) Recurrence intervals for these events during the past 5,600 years are on the order of 350 years for the entire fault zone and 1,275 to 2,800 years for individual segments. I believe that these numbers are backwards since the recurrence for an individual is shorter than the entire fault zone.
- 19) Packet Page 257 of 561 - Lofts Geotechnical Study - Hazards Analysis - Slopes
Slopes Greater Than 10% - The statement "This slope is approximately 40% to 50% with a vertical relief of about 15 feet.". The vertical relief more like 30 to 40 feet.
- 20) Packet Page 259 of 561 - Lofts Geotechnical Study - Hazards Analysis - Radon
Radon - The report states that "Radon testing would be necessary to determine actual indoor radon levels in any future buildings at the site." This has been noted as a problem in other areas of the City, and this report does not address whether or not Radon is an issue, only to note that mitigation systems are available.
- 21) Packet Pages 259 and 268 of 561 - Lofts Geotechnical Study - Hazards Analysis - Contaminated Soils
- a) Contaminated soils were addressed in various Public Comments by residents familiar with pre-existing conditions at the site.
 - b) Have any further attempts been made to obtain the missing records request information.
- 22) Packet Pages 283 and 289 of 561 - Lofts Geotechnical Study -Phase I Environmental Site Assessment - Paragraph 5.2.16 Septic Systems
There was a gas station on/near this site. (Also see Paragraph 8.2 - Page 289 of 561 in this report which shows that South Weber #50 Texaco existed.) This gas station would have had to have a restroom. That means it would have had a septic tank since South Weber did not have a sewer system until the early to mid 1990's. There is a distinct possibility that the septic tank, as well as its drain field are still there.
- 23) Packet Page 284 of 561 - Lofts Geotechnical Study -Phase I Environmental Site Assessment - Paragraph 9.1 Owners
This table clearly shows that the Lofts property is owned by Deer Run Investments, LLC, not Deer Run Plaza, LLC. This Information was also relayed in the response to the Proposed Development Agreement, Packet Page 93.

- 24) Packet Page 285 of 561 - Lofts Geotechnical Study - Aerial Photographs - Phase I Environmental Site Assessment - Paragraph 6.1 Property Information
A note on the timing of the construction of 2700 E. 2700 E. (Frontage Road) was built in the late 1990's so as to permit the construction of the South Weber Drive interchange on US89 as well as the construction of a large parking lot in preparation for the 2002 Olympics.
- 25) Packet Page 508 - Lofts Engineering
- a) Lists "Preliminary Condo Plats for Parcels A, B, C, & D, by Entellus Engineering dated December 1, 2020
 - i) Cannot locate a "Parcel D" on any of the drawings
 - ii) Suggest standardizing terminology between the word "Parcel" (Packet Pages 509 to 523) and "Building" (Packet Pages 524 to 532, and 554 to 557) to reduce confusion while trying to differentiate what each means.
 - b) Cannot locate anything referenced as " Preliminary Site and Improvement Plans" in the document.
- 26) Packet Pages 510, 514, 518 of 561 - Lofts Engineering
- a) Building B is mislabeled as Parcel A, not Parcel B on Packet Page 514 of 561.
 - b) It appears that, In this drawing, the footprints of Buildings A & B are too close and would not meet City code regarding distances between structures and associated Fire Codes.
- 27) Packet Page 511 - Lofts Engineering
The second floor of Parcel A is supposed to be commercial with an entrance to 2700 E., yet the drawing on this page indicates eight townhomes . It does not indicate the second floor as being commercial.
- 28) Packet Page 516 - Lofts Engineering
The third floor drawing for Parcel B contains a unit shown as B210 in the upper right hand corner. I believe it should be labeled as B310.
- 29) Packet Pages 524 to 527 - Lofts Engineering
- a) These drawings clearly indicate a middle access driveway for the development, yet A-Trans does not address the traffic in their assessments.
 - b) Packet Pages 169 to 173 of 561 shows the middle access driveway, the traffic pattern of which was not addressed.
 - c) Packet Pages 525 thru 527 (Site Plan Phases clearly show the middle access driveway. This is of particular importance due to the Phase 2 development that use the "middle" access driveway location.

30) Packet Page 554 - Lofts Engineering - Architectural - Preliminary Exterior Signs by Fred Cox Architect, dated November 21, 2020

There is **no** drawing or diagram for exterior signage contained in this section! The only signage is shown in Packet Page 337 of 561.

31) Packet Page 559- Lofts Engineering

a) Should be shown as Building "A", not "south Building for continuity. This is the same nomenclature as was used in the description for Packet Page 555.

b) This is the first rendering that shows the stone veneer on the front of this building in accordance with the CCR for Deer Run Estates. This should be present on the front of Buildings B and C as well to be in compliance with the CCR..

Final Comments:

a) This version of the proposed Lofts development design is a vast improvement over any previous versions. I believe that it addresses probably 95% of the concerns from the Planning Commission, City Council, and SWC citizens. The concept of placing the lowest level of Building A being below ground has several benefits. These are: 1) lowering the overall height of the building, thus making it less objectionable, and 2) lowering construction costs by not having to excavate as much soil and providing a better soil compaction upon which to place footings and foundations.

b) There are still issues with the A-Trans Traffic Study in that they did not address all of the various traffic flows that will impact this Lofts development as mentioned in these Comments numbers 11, 13, 14, 15, and 29.