

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 11 May 2023

TIME COMMENCED: 6:00 p.m.

LOCATION: South Weber City Office @ 1600 East South Weber Drive, So. Weber, UT

PRESENT:

COMMISSIONERS:

Gary Boatright (electronically)
Jeremy Davis
Julie Losee
Marty McFadden
Chad Skola

COMMUNITY SERVICE DIRECTOR: Trevor Cahoon

CITY ENGINEER: Brandon Jones

DEVELOPMENT COORDINATOR: Kimberli Guill (excused)

CITY RECORDER: Lisa Smith

Minutes: Michelle Clark

ATTENDEES: Michael Grant, Keith Kap, Tim Gosch, Joe DeLong, Mary Stott, Chris Poll, Jeff Clouse, Justin Poll, Tami Midzinski, Brandon Poll, Paul Sturm, Layne Kap, Jill Kap, Tim Childers, Natalie Dayton, Mark Dayton, Lynn Poll, Rod Westbroek, John & Tiffany Koning, Barbara & Dan Shupe, Krisitine Kilpatrick, Lincoln Dygert, Debbie Dygert, Ben Albenes, and Lyle Jorgensen.

Commissioner Davis called the meeting to order and welcomed those in attendance.

1. Pledge of Allegiance: Commissioner Losee

2. Public Comment: Please respectfully follow these guidelines.

- Individuals may speak once for 3 minutes or less: Do not remark from the audience. State your name & city and direct comments to the entire Commission (Commission will not respond).

Paul Sturm, of South Weber City, was concerned with Deer Run Townhomes. He wondered when the lease clock starts. He opined the “extenuating” circumstances need to be clearly identified. He asked how the rental percentages can be enforced, how long the leases will be, and will lessees be notified in their lease agreement of these conditions. He added a few additional misgivings.

3. Approval of Consent Agenda

- **9 March 2023 Minutes**

Commissioner Losee moved to approve the consent agenda with amendment to remove the line from page 4 “She doesn’t have a problem with the rezone request.” Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

4. Public Hearing & Action on: Preliminary/Final Plan & Rezone (from R-L to R-M), for Peak View Subdivision (2 Lot Residential Subdivision) approximately .79 gross acre located at 1885 E 7600 S for applicant: Lincoln & Debbie Dygert:

Commissioner Losee moved to open the public hearing on Preliminary/Final Plan & Rezone (from R-L to R-M), for Peak View Subdivision (2 Lot Residential Subdivision) approximately .79 gross acre located at 1885 E 7600 S for applicant: Lincoln & Debbie Dygert. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

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

Commissioner McFadden moved to close the public hearing on Preliminary/Final Plan & Rezone (from R-L to R-M), for Peak View Subdivision (2 Lot Residential Subdivision) approximately .79 gross acre located at 1885 E 7600 S for applicant: Lincoln & Debbie Dygert. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Commissioner McFadden moved to recommend approval to the City Council for the Preliminary/Final Plan & Rezone (from R-L to R-M), for Peak View Subdivision (2 Lot Residential Subdivision) approximately .79 gross acre located at 1885 E 7600 S for applicant: Lincoln & Debbie Dygert to include amending the lot line 5 ft. to the east. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

5. Public Hearing and Action on: Preliminary Plan & Rezone (from A & R-M to R-M), for Kastle Cove Phase 1 (11 Lot Residential Subdivision) approximately 5.461 gross acres located at approximately 1050 E Lester Drive for applicant: Layne Kap

Community Services Director Trevor Cahoon explained the primary current zoning for this project is Agriculture (A) a small portion of the project is currently zoned Residential Moderate (R-M). The developer has requested a rezone for R-M which is consistent with South Weber City’s general plan. Mr. Cahoon affirmed this subdivision will include an administrative development agreement with the developer. A portion of this project involves property that is currently in the possession of South Weber City. In order to secure the future connection of

Lester Drive to 7375 S, South Weber City is willing to give city land to the developer on the condition that this connection takes place.

The development agreement will be part of the final submittal and will be valid for five years. Mr. Cahoon communicated one of the key points is the timing of the project. According to the agreement, the property will become the developer's once all the improvements are completed. This ensures that the developer will not take possession of the property until all the necessary infrastructure is in place. The agreement also outlines the sequence of events that must take place once the subdivision, development agreement, rezone, and improvement plans have been approved. Lastly, the agreement includes a reverter clause, which ensures that the property will revert to South Weber City, if the developer fails to comply with the terms of the agreement.

Mr. Cahoon further explained this development has impacts to cross access agreements found on private property. The inclusion of the road stub to the parcels in the south will accommodate access issues of the Lester Drive extension. The developer will be connecting Lester Drive to 7375 South. This will create a second egress opening development opportunity in this area. The developer must complete this connection prior to any building permits being issued. There will be some vacation of current utilities and orientation into the new right of way. A portion of Lester Drive will be vacated to the original owner with research currently ongoing. South Weber City agrees to vacate the right-of-way at the western end of Lester Drive to allow for the realignment of the road. This will be given back to the original owner. If the original owner is not the current owner of the proposed subdivision, the property will need to be transferred to the current owner.

All of Lot 108 will be dedicated as a temporary retention basin until such time that down-stream improvements are in place, allowing for the elimination of the retention basin. The developer shall retain ownership of this lot and is responsible for continued maintenance and landscaping. The owner of the retention basin must request the elimination of the retention basin and the city confirm that said down-stream improvements are installed before the retention basin can be physically eliminated.

Commissioner Skola moved to open the public hearing on Preliminary Plan & Rezone (from A & R-M to R-M), for Kastle Cove Phase 1 (11 Lot Residential Subdivision) approximately 5.461 gross acres located at approximately 1050 E Lester Drive for applicant: Layne Kap. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Commissioner Davis asked if there was any public comment.

Barbara Shupe of South Weber City requested the Planning Commission and Mayor review an email her son Kyle sent. She proposed the completion of all improvements to the roads before the subdivision is approved.

Natalie Dayton, owner of 7420 S 1025 E, announced nobody has contacted her for an access agreement. She queried the size of the road and opined this development will possibly devalue

her property. She disfavored the road connecting to South Bench Drive. In 1998 Mitchel Cove Subdivision deeded a right of way. She suggested the Planning Commission table or vote no until the developer can provide a better option for the stub road because of the detriment to her property.

Lynn Poll of South Weber City opined a 60 ft. wide road will suffice. He affirmed the need for sidewalks for children safety.

Paul Sturm of South Weber City reviewed the city tried to extend Lester Drive and it failed. He queried on the connection of the existing subdivision to the south and the foreseeable new subdivision.

Chris Poll of South Weber City stated his property borders the subdivision and questioned the type of fencing as they have horses on their property. He echoed the need for sidewalks for safety reasons.

Layne Kap, the developer of this subdivision, stated the reason this project has not gone forward the last few years is because it is non-profitable. He agreed 7350 South and 1025 East need improvements. He averred the project is well designed and will benefit the city.

Heidi Bell of South Weber City verified 7350 South needs to be improved. She discussed the traffic issues at South Weber Elementary School and the need for second access to improve safety for the children.

Brent Poll of South Weber City was concerned people are being put at risk from contamination.

Jason Stott of South Weber City voiced unease with 1025 East and the need for improvements.

Commissioner McFadden moved to close the public hearing on: Preliminary Plan & Rezone (from A & R-M to R-M), for Kastle Cove Phase 1 (11 Lot Residential Subdivision) approximately 5.461 gross acres located at approximately 1050 E Lester Drive for applicant: Layne Kap. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Commissioner Skola asked about 1025 East. Mr. Cahoon explained anything south of Lester Drive will access 1025 East to Lester Drive and it is anticipated there will be a gate installed north on the private road to discourage local traffic from using the private right-of-way to South Weber Drive.

City Engineer Brandon Jones addressed the stub road identified on the plat and its relation to the city’s transportation plan in the general plan. He pointed out the stub is available with utilities for future property owners to tie into and make their property developable. This stub will allow for access to property to the south. Property owners still have a private road south of Lester Drive and a connection from the stub. Discussion took place regarding the road width and park strip.

Mr. Jones explained the city code requires a standard 70 ft. wide road with 7.5 ft. wide park strips.

Mr. Jones acknowledged the need to improve 7375 S. but the city has no funding for the road improvements currently. He explained the 1 ft. holding strip on the north side of 7375 S. Commissioner McFadden asked about the pollution hazard. Commissioner Davis identified the Hill Air Force Base operable units on the sensitive land map in which there are no hazardous areas for this subdivision. Commissioner Boatright added he did not understand why the pollution was raised because it is not identified on this property.

Mr. Jones explained the temporary storm drain on Lot #108 and assured it meets the need for water detention. Mr. Kap affirmed it will be landscaped and maintained.

Commissioner Davis asked about fencing. Mr. Kap had not discussed the type of fencing yet. Mr. Jones explained that code requires a minimum 6 ft. chain link fence between residential developments and agricultural zones.

Commissioner Davis queried on the cross-access agreement. Mr. Jones responded 1025 East is a private road because there is an agreement in place with the property owners that allows access to private property. The private road easement is what gives them the right to cross the properties, but the property itself is owned by individual property owners. He noted 1025 East does have asphalt which can be removed north of Lester Drive once this road goes through because there would no longer be a need for it. Commissioner Boatright queried on the location of the gate on 7375 South that blocks access to 1025 East. Mr. Jones replied the gate is to be located on the north side of Lot #111 and it does not need to be a gate but can be fenced. Commissioner Losee questioned if there will be pedestrian access. Mr. Jones replied that pedestrians will need to use South Weber Drive.

Commissioner Skola voiced concern with maintenance of the detention basin and the difficulty of watering grass. Mr. Jones confirmed the developer will be responsible for maintaining the basin. Commissioner Losee thanked those who gave public comment. She expressed concern that there are still questions surrounding this development. She verified the connection needs to take place to 7375 South and will need to be improved by widening the street, sidewalk, curb and gutter. Mr. Jones added it is consistent with the general plan.

Commissioner Losee requested a correction from 5,461 gross acres to 5.461 acres.

Commissioner McFadden moved to recommend approval to the City Council the Preliminary Plan & Rezone (from A & R-M to R-M), for Kastle Cove Phase 1 (11 Lot Residential Subdivision) approximately 5.461 gross acres located at approximately 1050 E Lester Drive for applicant: Layne Kap. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

6. Public Hearing and Action on Preliminary Plan for Kastle Cove Phase 2 (13 Lot Residential Subdivision) approximately 8.852 acres located at approximately 7550 S 1160 E for applicant: Layne Kap:

Commissioner McFadden moved to open the public hearing on Preliminary Plan for Kastle Cove Phase 2 (13 Lot Residential Subdivision) approximately 8.852 acres located at approximately 7550 S 1160 E for applicant: Layne Kap. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Commissioner Davis asked if there was any public comment.

Mark Dayton, property owner of 7425 S. 1075 E., queried why the Planning Commission had not visited the area, which would help them understand problems or issues.

Layne Kap of South Weber City and the developer invited anyone who wishes to visit the property with him.

Commissioner Losee moved to close the public hearing on Preliminary Plan for Kastle Cove Phase 2 (13 Lot Residential Subdivision) approximately 8.852 acres located at approximately 7550 S 1160 E for applicant: Layne Kap. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

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

Mr. Cahoon explained this subdivision is conditional upon the connection to Lester Drive. All lots comply with code. The Planning Commission did not have any questions on this development. Commissioner Losee requested a correction from 8,852 acres to 8.852 acres.

Commissioner McFadden moved to recommend approval of the Preliminary Plan for Kastle Cove Phase 2 (13 Lot Residential Subdivision) approximately 8.852 acres located at approximately 7550 S 1160 E for applicant: Layne Kap. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

7. Action on Final Plat (35 lot Townhouse Plat) for Deer Run Townhomes Parcel# 13-364-0001 2.914 acres located at 7897 S 2700 E by applicant: Joseph Cook of Deer Run Investments LLC:

Community Services Director Trevor Cahoon announced there will be five phases to this project. All items have been completed and addressed by the developer. The development agreement has been updated. The Wisconsin address will need to be updated before the City Council meeting. All individual lots follow the development agreement, which is the zoning document for this project.

Commissioner Losee asked the developer to answer Mr. Paul Sturm’s public comment questions. Joseph Cook announced he needs more time to review Mr. Sturm’s questions. She questioned why this plan has come back for final review without appearing to address any of the noted concerns from preliminary. She noted the Planning Commission has been told repeatedly that the parameters of comments and input need to be based on what exists within South Weber City

code and the General Plan, and personal opinions or preferences do not carry any weight. She queried why those guidelines do not apply for this development. She would like to see what an R-7 development looks like. She recommended a reverter clause be added that if the development does not get built, the R-7 Zone stays with the land and does not revert back to the previous C-O Zone.

Commissioner Davis responded that the development agreement allows for exceptions to the city code. Mr. Cahoon noted the development agreement is a site-specific zoning document that has provisions to allow for alterations to the city code allowing for a different number of units, height of units, and setbacks.

Commissioner Boatright was confused why the Planning Commission is continuing with the process when the City Council has not yet approved the development agreement. Mr. Cahoon replied decisions are based on City Council approval. The council receives the entire package at one meeting.

Commissioner Losee questioned if there is an irrigation plan for the detention basin. Mr. Cahoon replied that the irrigation plan will be approved by the City Engineer. Commissioner Losee asked about the additional parcel on the southeast corner. Mr. Jones explained there was an overlap of property boundaries, so it was deeded over to the city.

Mr. Cahoon relayed why there are various acreage amounts. The 3.176 acreage is listed with the county and is the total acreage in the property legal description.

Commissioner Skola moved to recommend approval to the City Council the Final Plat (35 lot Townhouse Plat) for Deer Run Townhomes Parcel# 13-364-0001 2.914 acres located at 7897 S 2700 E by applicant: Joseph Cook of Deer Run Investments LLC. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, McFadden, and Skola voted aye. Commissioner Losee voted nay. The motion carried 4 to 1.

8. Planning Commission Comments (Boatright, Davis, Losee, McFadden, Skola)

Commissioner Skola: encouraged citizens to keep attending meetings and giving their input.

Commissioner Losee: expressed this was not an easy meeting. She reminded everyone the Planning Commission is a recommending body that is required to operate within certain parameters.

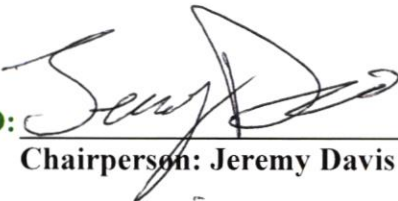
Commissioner Davis: announced the Code Committee will be reviewing the Conditional Use Permits, Planned Unit Development Ordinance, and street widths.

Commissioner Boatright: voiced concern with comments that the Planning Commission does not do their jobs well and reminded everyone the Planning Commission is a volunteer job. There have been unfair and untrue comments. The Commission wants the best for South Weber City, and they are doing their best to serve the community. None of them have any agendas. He admitted they have concerns and strong opinions but are bound on what they can and cannot do. He wished people could understand that we are all on the same team. He thanked the Planning

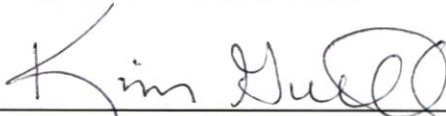
Commission, City Council, and City staff. He shared that if individuals do not like how things are done, there is an upcoming election.

Community Services Director Trevor Cahoon: conveyed the fall conference for American Planners Association will be held in Ogden on September 28th & 29th. Updates will be made to Title 10 and Title 11 by removing as many legislative items as possible to comply with new state law.

ADJOURN: Commissioner Losee moved to adjourn the Planning Commission meeting at 8:42 p.m. Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Boatright, Davis, Losee, McFadden, and Skola voted aye. The motion carried.

APPROVED:  Date 6/8/23
Chairperson: Jeremy Davis


Transcriber: Michelle Clark

Attest: 
Development Coordinator: Kimberli Guill