

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 14 September 2023

TIME COMMENCED: 6:02 p.m.

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

PRESENT:

COMMISSIONERS:

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

CITY ENGINEER:

Brandon Jones

COMMUNITY SERVICE DIRECTOR: Trevor Cahoon

DEVELOPMENT COORDINATOR: Kimberli Guill

Minutes: Michelle Clark

ATTENDEES: Rod Westbroek, Brent Poll, Paul Sturm, Jacob Toombs, Don Rushing, and Michael Grant.

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).

Brent Poll of South Weber City discussed the west end of the town being polluted and queried what gives the Planning Commission authority to approve subdivisions in that area. He added the Planning Commission is supposed to safeguard people but have put people at risk.

3. Approval of Consent Agenda

- **16 August 2023 Minutes**

Commissioner Losee moved to approve the consent agenda as written. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, and Skola voted aye. The motion carried.

ACTION ITEMS

Commissioner Losee moved to open the public hearing for Final Plat Amendment & Development Agreement for South Weber Gateway Parcel# 130340068 located at approx. 2350 E South Weber Drive by Applicant: Jacob Toombs of Millcreek Homes. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, and Skola voted aye. The motion carried.

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

4. Public Hearing for Final Plat Amendment & Development Agreement for South Weber Gateway Parcel# 130340068 located at approx. 2350 E South Weber Drive by Applicant: Jacob Toombs of Millcreek Homes

Commissioner Davis asked if there was any public comment.

Paul Sturm of South Weber City thanked the developer for decreasing the number of units for this development as it is now within city code.

Trevor Cahoon Community Service Director explained South Weber Gateway submitted an application to re-plat the currently approved plat based on the requirements of the new zoning for the development. This request to replat is part of the development from the original approval. This request is to create individual townhome lots (PUD Plat) for a for sale project. The area was rezoned to R-5 SG and all building locations comply with the requirements of the zone.

Mr. Cahoon added the main areas of concern for the project were the setbacks between the building and the distance from the road. Engineering has looked at any impact that shifting these buildings would have for the base of the hill side and found that they would be able to be shifted to accommodate the requirements of the zone. The developer is currently updating the improvement plans for the development, staff is comfortable in proceeding with the plat amendment as the improvement plans are an administrative action approved by the City Engineer.

Mr. Cahoon acknowledged the developer is requesting a development agreement amendment to adjust the garage size requirements in the SG overlay to their development. They cite because the code requires a 25-foot setback from the road this provides ample parking space for large vehicles and so the concern of larger garages is assuaged because of the excess parking area provided for each unit. Staff recommends approval of the development agreement revision regarding garage widths as they can accommodate large vehicles on the parking available in the driveways and is consistent with a recent approval for a similar request for Deer Run Townhomes.

Mr. Cahoon noted the developer is also requesting an amendment for the phasing of the project due to the slow movement of the commercial properties in the market. There is concern there

will be vacant buildings that will not be filled for some time. Staff understands the argument, however, the council in the previous discussions about the project were adamant that there needs to be substantial development in the commercial spaces. The request was included so the Planning Commission can advise the City Council whether this request should be granted.

Commissioner Skola moved to close the public hearing for Final Plat Amendment & Development Agreement for South Weber Gateway Parcel# 130340068 located at approx. 2350 E South Weber Drive by Applicant: Jacob Toombs of Millcreek Homes. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, and Skola voted aye. The motion carried.

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

Jacob Toombs of Millcreek Homes requested an amendment to the commercial buildings. He discussed the difficulty in finding tenants for commercial given the economy. He understands the original intent of not leaving the commercial behind while constructing the commercial, but he also does not want to see vacant commercial buildings because that does not do him or the city any good. He requested reducing or eliminating that requirement. He acknowledged the townhomes will bring more tenants who will use the commercial business.

Commissioner Davis discussed the email received from an interested commercial tenant for a fitness center. Because of the city’s current parking code requirement of 1 space per 100 sq. ft. the smallest building would need to be 10,000 sq. ft. This business owner needs a space of 13,000 sq. ft.

Commissioner Davis queried how long will it take to finish phase 1. Mr. Toombs replied approximately 1 ½ years. Commissioner Skola asked why the delay on commercial. Don Rushing of Herriman City replied commercial business owners are hesitant because no one wants to be the first business until tenants are in the area to use it. Mr. Toombs discussed the difficulty of constructing the commercial when he does not really know what a business needs i.e., drive thru, etc. Mr. Rushing added the commercial location is difficult for a smaller community. He understands it takes time to fill commercial and a vacant building is not good as it tends to deteriorate.

Commissioner Davis discussed the option of a letter of intent for the phasing. Commissioner Losee mentioned the developer requesting an amendment to the size of the garage from 22 ft x 22 ft. to 20 ft. x 20 ft. and does not favor reducing the size of the garage.

Tammy McKay of Beehive Fitness explained she is small-town gym owner in Brigham City and is interested in building a similar fitness center in South Weber City. The Brigham City fitness center is open 24/7 and is equipped with free weights, exercise equipment, and group fitness classes with a current monthly fee of \$25 fee and no contract. She discussed the need for more parking and added the ideal size is 13,000 sq. ft. to 15,000 sq. ft. for a fitness center. Mr. Cahoon reviewed the table for parking space use. When asked how Tammy found out about this location in South Weber City, Mr. Cahoon responded he is a neighbor to Tammy. He added the gym is not part of the approval for the final plat.

Further discussion took place regarding options for commercial development at various stages along with residential development. Mr. Toombs discussed most cities have a 20' x 20' garage requirement with a 25' setback from the road. The Planning Commission agreed the 20' x 22' garage is sufficient because of the 25' setback.

Discussion took place regarding the amendments to the 10' walking trail. Mr. Cahoon explained the walking path location in the new plat goes through the units rather than the side.

Commissioner Losee reviewed the developer's phasing request for phase 1 which included 30 townhome units with the two commercial units or combine the two units for the gym.

Commissioner Davis moved to recommend City Council approval for Final Plat Amendment & Development Agreement for South Weber Gateway Parcel# 130340068 located at approx. 2350 E South Weber Drive by Applicant: Jacob Toombs of Millcreek Homes.

- 1. Minimum garage size 20' x 22'**
- 2. Phase One shall include a minimum of no less than 2,400 square feet) constructed concurrently with no more than thirty (30) townhome units. Building permits to be issued for commercial space in order to release certificate of occupancy.**
- 3. Phase Two shall include a minimum of 5,000 sq. ft. of additional commercial space constructed concurrently with no more than thirty-one (31) townhome units. Building permits to be issued for commercial space in order to release certificate of occupancy.**
- 4. Phase Three shall include all remaining commercial pads.**

Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, and Skola voted aye. The motion carried.

DISCUSSION

5. South Weber City Code Title 11 State Code Compliance & Development Standards

Community Service Director Trevor Cahoon reported on State Law changes effective May 4, 2023, as a result of Senate Bill 174. Most of the changes simply reinforced the administrative nature of subdivisions. This new law only applies to subdivisions for one- or two-family dwellings and townhomes, but it could be useful to generalize this for all subdivisions. All these changes need to be accomplished by February 1, 2024, for cities over 5,000 in population and smaller communities will have until December 1, 2024.

Step 1: Check current ordinance to see what may needs to be modified or updated.

- 1. Review and update the process. Designate an administrative land use authority.**
Make sure you have designated in your subdivision ordinance an "administrative land use authority" for preliminary plats. This can be staff or Planning Commission or a subset of the Planning Commission. This is a local policy decision to make. Some options to consider a) preliminary plat can be reviewed by staff, b) the Planning Commission can review in a public meeting, or a public hearing. If you choose to hold a public hearing, please consider what the hearing will add to this administrative fact-based process.

Reminder: The Final plat **cannot** be reviewed by Council or Planning Commission (for small towns it could be a subset of the PC). Staff could manage (and be designated in the ordinance) to be the administrative land use authority to take the process of final subdivision review through the recording process. Then the Mayor signs the final plat, which also dedicates any potential streets.

- 2. Remove any mandates for a concept plan review.** In the new law concept plan review cannot be mandated. It can be optional, strongly encouraged and agreed to by the applicant. Since these are administrative approvals, they have no regulatory value. It can be incorporated into the preliminary plat as part of that process but call it something else. Again, an applicant may request a pre-application meeting but **cannot** be mandated.
- 3. Define a Complete Application.** Make sure you have clearly defined what a “complete” application is with checklists for both planning and engineering.

Step Two. Review process timing issues.

Reminder: Under the new law, preliminary and final plats review are the only “steps” allowed within the new subdivision process. Here are the steps to make sure your updated ordinance reflects.

- 1. Initial review of preliminary plat.** To be completed within **15 business days** of receiving a complete application. As mentioned above it is important to assure you have everything required for review before it moves forward in the process.
- 2. Review of final plat.** To be completed within **20 days** of receiving the complete application,
- 3. Capped Review Cycle.** There is now a maximum of 4 review cycles permitted for final review only. So in between the preliminary approval and final approval only four revisions are permitted.
- 4. Agreed upon changes.** The applicant must respond to required changes. If he/she disagrees with those issues, those must be committed in writing.
- 5. Lot line adjustments.** Changes were made in HB406 and SB174. The lot line adjustment changes removed the requirement to record an amendment plat.

Step Three. Review engineering standards

- 1. Codified Engineering Standards.** As a reminder from prior law, every municipality needs to provide clear engineering standards and these need to be adopted by the city, town, or county with a public hearing at the Planning Commission and final adoption by the legislative body.
- 2. Bonding for Private Landscaping.** In another companion bill HB406 Section 10-9a-604.5 new provisions were added regarding bonding. As of May 2023, Bonding for landscaping on private property is not allowed. Update your enforcement processes to include any fines, liens, and when you go to court for any unmet obligations. Update the bonding language. Under assurances can only be accomplished for public infrastructure
- 3. New road standards.** In HB406 Section 10-9a-508. Exactions new residential roadway standards were adopted. Municipalities that require road widths greater than 32' for residential roads (defined as residential use and 25 mph roads) should review those

ordinances for compliance with these new standards. Wider can be allowed under certain conditions.

Step Four. Add the new appeal process.

Reminder: SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed. You will need to add this appeal process to your subdivision ordinance. 1. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.

1. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
2. For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.

The panel of experts include:

- One licensed engineer designated by the municipality.
- One licensed engineer designated by the land use applicant.
- One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

Mr. Cahoon reviewed amendments to Title 11 Subdivision Regulations the city staff is currently working on. Discussion took place regarding amendments to the public hearing process. It was noted citizens have the opportunity to give public comment. Mr. Cahoon appraised the Planning Commission of items that may or may not be reviewed by the Planning Commission. He also reviewed approval signatures for plats. He acknowledged there will be auxiliary items that will be impacted.

REPORTS

6. New Business (None)

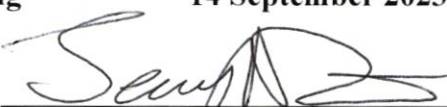
7. Commission & Staff

Commissioner Losee: requested side by side comparisons included for site plans in packets.

Commissioner Davis: thanked city staff for all the prep work for this meeting.

8. ADJOURN: Commissioner Losee moved to adjourn the Planning Commission meeting at 9:10 p.m. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, and Skola voted aye. The motion carried.



APPROVED:  Date 10/12/23
Chairperson: **Jeremy Davis**


Transcriber: **Michelle Clark**

Attest: 
Development Coordinator: **Kimberli Guill**