

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 9 February 2023

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT:**

**COMMISSIONERS:**

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

**COMMUNITY SERVICE DIRECTOR:** Trevor Cahoon

**CITY ATTORNEY:**

Jayme Blakesley

**CITY ENGINEER:**

Brandon Jones

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Minutes:** Michelle Clark

---

**ATTENDEES:** Paul Sturm, Henry DeVarona, Jeff Clouse, Genneva Blanchard, Julie Markum, Stacey Eddings, Elizabeth Rice, Tim Grubb, Doug Bitton, 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).

**Stacey Eddings, of South Weber City,** concerning Agenda item #7 she suggested the Planning Commission refer back to her public comments made at the City Council meeting in regards to her request for no dog park next to her home.

**3. Approval of Consent Agenda**

- 12 January 2023 Minutes

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

**Commissioner Davis excused Commissioner Boatright from tonight's meeting.**

**4. Welcome New Planning Commissioner Chad Skola:** Commissioner Davis welcomed Chad Skola and the newest Planning Commissioners. Mr. Skola stated he is looking forward to serving on the Planning Commission.

#### **5. Appointment of Chair & Vice Chair**

Commissioner Davis expressed his willingness to serve as the Planning Commission Chairperson again and recommended Commissioner Losee as Vice Chair.

**Commissioner McFadden moved to appoint Commissioner Jeremy Davis as Planning Commission Chair and Commissioner Julie Losee as Vice Chair. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

**Commissioner Losee moved to open the public hearing for Preliminary Plan (2 Lot Commercial Subdivision), Conditional Use & Architectural Review for Crosswind Subdivision Parcels 13-039-0082 & 13-039-0083 approximately 5.57 acres located at approximately 7750 S 2700 E by applicant: Geneva Blanchard of John W Hansen & Associates. 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 \*\*\*\*\***

#### **6. Public Hearing and Action on: Preliminary Plat (2 Lot Commercial Subdivision), Conditional Use & Architectural Review for Crosswind Subdivision Parcels 13-039-0082 & 13-039-0083 approximately 5.57 acres located at approximately 7750 S 2700 E by applicant: Geneva Blanchard of John W Hansen & Associates:**

Community Services Director Trevor Cahoon reported the current zoning for this project is Commercial-Highway (C-H). The use is allowed within that zone as a permitted use. However, it is over an acre so the developer will need to go through the conditional use application process. The project is approximately 2.65 acres. This is smaller than the original site because the property must dedicate land for the future right-of-way.

Setback needs to be 50' from the front and 20' from the side that is fronting 2700 E. The site plan shows this to not be an issue. A traffic study has been completed for the area with the intended use already identified. The future impacts of the road are already addressed in the forthcoming capital facilities plan for transportation. The two access points that will be within the project match existing entrances and exits.

The developer will not be adding roads to the project area. They will be creating a cross access agreement with the property to the north to allow traffic to flow between the properties.

The 2700 E Improvements, including the roundabout, will not be taking place with this development. These improvements will occur over time.

At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. For use of exceptional design and materials, as determined by the Planning Commission, the landscaping may be reduced to ten percent (10%) of the total site. The developer has not submitted a landscape plan, and a buffer yard is not necessary as the site does not abut residential.

The plan currently has 118 stalls and based on estimates of size they would need 150. We will need to confirm square footage on proposed building. The developer could have a joint parking agreement with the northern property to satisfy the requirement.

### **ITEMS FOR PLANNING COMMISSION REVIEW**

**Preliminary Plat:** Although this could have come forward as a Preliminary/Final Application the Developer has chosen to move forward in different steps as they continue to work on items required for a full Plan submission:

- Legal Description: This has been supplied.
- Subdivision Name: The Subdivision name appears on the plat and is consistent with the application that has been submitted.
- Lot Sizes and Orientation: Commercial lots do not have a minimum requirement.
- Parcel Numbers or Lot Numbers of Surrounding Properties: When recording the plat it is necessary to indicate the parcel identification numbers or the lot number for adjoining subdivisions. This plat will need this by the final submission.
- Right-of-Way (ROW) Dedication: The ROW has been indicated on the drawings for dedication to the City and the widths comply with the City Standards. Due to the future expansion of 2700 East, they have dedicated this portion to the City. As this would be larger than the standard road with the City will need to enter into a purchase agreement for the required acreage. This will come forward in a future City Council meeting.
- Utility Easements: The General Utility Easement required for each property has been indicated on the plat. Developer has supplied some of the other easements but will need to update the final plat with all necessary easements. One easement that is missing is the petroleum easement on lot 1.
- Signature Boxes: All signature boxes are supplied.

**Site Plan:** The commercial use required the submission of a site plan to the Planning Commission for approval. Site plan in general complies with necessary code. An area that will need further conversation is the total required parking for a medical office. City code requires 1 space for every 200 gross square feet. The plan currently has 118 stalls and based on estimates of size they would need 150. We will need to confirm square footage on proposed building.

**Conditional Use Permit:** Conditional use is needed as the project is over an acre.

**Architectural Review:** The project requires an architectural site plan review.

**Improvement Plans:** Developer has submitted preliminary improvement plans to be included in the submission.

### **FUTURE APPROVALS NEEDED BY PLANNING COMMISSION**

**Landscape Plan:** A landscape plan was not submitted at this point in the development. We can consider the other items at this time. The full plan will need to be accepted by the Planning Commission prior to recommending Final Plat approval from the City Council.

**City Engineer Brandon Jones review of the development is as follows:**

Our office has completed a review of the preliminary submittal received on January 20, 2023, for the Crosswinds Development, located on the east side of 2700 East (across the street from Maverik and Morty's Car Wash). We offer the following comments:

**GENERAL**

**E1. Will Serve Letters.**

A. We acknowledge that "will serve" communication documentation has been received for Comcast Cable, Dominion Energy, and Rocky Mountain Power (RMP). No other "will serve" documentation is needed.

**E2. Plan Review Approval Letters.**

A. Petroleum Pipelines. There are three petroleum pipelines that cross Lot 2. Holly Energy (Rocky Mountain Pipeline) owns two lines, and Phillips 66 (Pioneer Pipeline) owns one. Their easements need to be shown on the plat, and an approval letter from both companies will be required when a specific site plan is proposed on Lot 2.

**E3. Environmental Study.** A Phase 1 Environmental Site Assessment was conducted by AGECEC, dated September 21, 2005. "This assessment has revealed no evidence of recognized environmental conditions in connection with the property." This report was later updated by AGECEC on December 8, 2021. This assessment also concluded that there were no "significant environmental concerns" on the site. No further investigation is necessary.

**E4. Geotechnical Report.** The original report was performed by AGECEC, dated October 27, 2005. An update to this report, dated November 9, 2022, was conducted, and provided to the city. The recommendations in this updated study are substantially similar to the previous report.

A. By implementing the recommendations of the original and updated report, the site appears to be suitable for the proposed development.

**E5. Traffic Impact Study.** The city has been working with WCG on the city's Transportation Master Plan with a Subarea Plan specifically conducted for 2700 East between South Weber Drive and 7800 South. Therefore, no additional study is needed for this development.

**E6. Transportation Master Plan.** Two recommendations from this study have direct impact on this development: widening of the road to a 5-lane road with a roundabout at 7800 South, and the restriction to only two access locations on the east side (at 7800 South and lining up with the southern driveway of Morty's Car Wash).

A. 2700 East Design. The city is currently working on the design of the future widened road to establish the road dedication area and elevation of the future curb and gutter. This will be reviewed by WCG and then provided to the developer in order for them to finish their design.

B. Dedication and Appraisal. The property to be dedicated to the 2700 East ROW will be appraised and the city will pay for any additional property larger than the standard local city road, which is 70 feet wide. Depending on the amount required, the city may ask for some extended time to complete full payment.

C. Current Conditions. The widened road will not be constructed at this time but will be constructed when needed in the future. Therefore, the access points will be constructed and connected to the existing road, as is.

D. Sidewalk. There is no existing sidewalk on the east side of the road. The sidewalk will not be installed at this time, but the cost of the sidewalk is the responsibility of the developer.

Therefore, the estimated cost for the construction of the sidewalk will need to be paid to the city in lieu of actually doing the work. The city will hold the money and use it to pay for constructing the sidewalk when the future widened road is constructed.

E7. Water. Secondary water is not available on this property. Therefore, culinary water is the only option for outdoor water use. This can be allowed as long as the required backflow prevention assembly is provided (see South Weber City Standards, Sheet CW7).

E8. Private Utilities. The on-site water, sewer, and storm drain system facilities will be privately owned. An Ownership and Maintenance Agreement will be required to clearly establish ownership and address long-term maintenance.

### **PLAT**

E9. Address. The addresses for the lots are as follows:

A. Lot 1: 7772 South 2700 East

B. Lot 2: 7716 South 2700 East

E10. The petroleum line easements need to be shown on the plat.

E11. A cross-access easement needs to be provided across Lot 2 in favor of Lot 1. This would not be the primary access for Lot 1 but is needed to allow traffic from Lot 1 to access and travel southbound on 2700 East, since the left-hand movement at the shared access will be restricted in the future.

E12. All easements need to include bearings and distances labeled sufficiently to be able to locate them relative to the lots.

### **IMPROVEMENT PLANS**

E13. Water.

A. The city recently had a fire flow test performed on 2700 East. The test showed a fire flow of 3,623 gpm.

E14. Storm Drain.

A. Storm drain calculations need to be provided.

B. As part of the LID compliance, please use the following documents and links to assist with and complete the Storm Water Quality Report, including all proposed permanent BMP's.

i. South Weber City Standards, Appendix A, Exhibit 3, and Sheet LID1

ii. Follow State's Guidelines at <https://deq.utah.gov/water-quality/low-impact-development>

iii. Follow State's "[Guide to Low Impact Development within Utah Manual](#)"

iv. Complete State's "[Storm Water Quality Report Template](#)"

Geneva Blanchard of John W. Hansen & Associate discussed parking being an issue and expressed they are currently working with the property owner of Lot 1.

**Stacey Eddings of South Weber City** lives near this property and is concerned about light pollution. Also, concerned with the entrance and exit to this property across from 7800 South and does not favor a roundabout at this location.

**Paul Sturm, of South Weber City**, is impressed with the design and completeness of the project. He queried if there is any way to lower the height of the building.

**Doug Bitton of South Weber City** is concerned about the light pollution from this development. He encouraged the developer conduct a photometric light analysis for the lighting to make sure it doesn't cross over to nearby neighborhoods. He suggested concerning the roundabout he hopes 7800 South will be improved for commuter traffic.

**Commissioner Losee moved to close the public hearing for Preliminary Plat (2 Lot Commercial Subdivision), Conditional Use & Architectural Review for Crosswind Subdivision Parcels 13-039-0082 & 13-039-0083 approximately 5.57 acres located at approximately 7750 S 2700 E by applicant: Geneva Blanchard of John W Hansen & Associates. Commissioner Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

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

Ms. Blanchard reported the height is a two-story building with 10' ceilings and will follow city code of 35'. She added the developer will adhere to light pollution as per city code. Trevor reported the city has a dark side compliance code, and the lights must shine down onto the property.

Commissioner Losee queried why fencing isn't required. Mr. Cahoon replied there is an existing chain link fence in place that meets city requirements. Commissioner McFadden questioned the developer how the parking will work. Ms. Blanchard replied she met with the developer of Lot 1 to add more parking by adjusting the building. She feels they will meet the parking requirement. Commissioner McFadden favored the look of the building.

Commissioner Skola queried on holding off widening of the road and the sidewalk. City Engineer Brandon Jones reported the City is updating the Transportation Master Plan and as part of the traffic study, 2700 East was identified as a five lane road. As a result, there will be expansion at some time in the future; thus, the need for the private-right-of-way easement. Commissioner Skola asked if there is any need for lighting past office hours. Mr. Jones reported it is private property and the developer has the right to light their development for security reasons, as long as it follows city code. Commissioner Skola remarked this development will have minimal use compared to other commercial uses.

**Commissioner McFadden moved to recommend approval of the Preliminary Plat (2 Lot Commercial Subdivision), Conditional Use & Improvement Plans and to continue the Architectural Review for Crosswind Subdivision Parcels 13-039-0082 & 13-039-0083 approximately 5.57 acres located at approximately 7750 S 2700 E by applicant: Geneva Blanchard of John W Hansen & Associates. Commissioner Davis seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

**Commissioner Losee moved to open the public hearing for Public Hearing and Action on: Preliminary Plan (35 lot Townhouse Plat), Rezone (from C-O to R-7), & Development Agreement 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 Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

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

**7. Public Hearing and Action on: Preliminary Plat (35 lot Townhouse Plat), Rezone (from C-O to R-7), & Development Agreement 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 explained the developer has since reached out to the City and requested to submit a new project. In a meeting with the City Council, they presented an alternative site plan and asked if they can begin the process of a development agreement. City Council directed Mayor Westbrook to convene a Development Agreement Committee and begin the process of negotiations.

The developer submitted a draft development agreement to the City. The committee met and reviewed the recommendations and sent their revisions on to the developer. Through the conversations, the main concerns that were expressed by the committee was the look and feel of the units and the spacing of the buildings.

The City Council has reviewed the draft agreement and has indicated that they are comfortable with the proposal moving forward but limited the requested density to no more than 35 units. The developer has come back with a proposal that meets the density criteria.

This is a new project. Therefore, any previous approvals do not have bearing on this project.

A Landscape Plan has not been submitted at this point in the development. We can consider the other items at this time. The full plan will need to be accepted by the Planning Commission prior to recommending Final Approval from the City Council.

Mr. Cahoon explained the current zoning for this project is Commercial-Overlay (C-O). The development agreement illustrates the need for the applicant to rezone the property to Residential Multi-Family Seven (R-7). They have applied for this rezone in conjunction with the project. He added because the City has initiated the process to remove the R-7 zone and instate new zoning code, City staff has advised the applicant to proceed with the R-7 zoning until a comparable zone is on the books. At which point the development agreement can be amended prior to approval and the rezone request can be amended as well if the zoning code changes.

Mr. Cahoon added the project is approximately 3.175 acres. A portion of the project is located to the north of the canal. This area will be used for a storm water basin. In the development agreement there isn't a minimum lot size. Minimum widths on the new R5 code have the minimum townhome width set at 24 feet. This will need to be updated in the Development Agreement to include a minimum lot width section to accommodate the 23-foot width.

Setbacks are delimited through the Development Agreement as follows:

- a. 10 feet minimum from any public street.
- b. 10 feet front setback from any private street.
- c. 10 feet side setback from any private street
- d. 10 feet minimum from any property line; and
- e. 10 feet minimum from any other non-attached structure.

There are no concerns from City staff about the access points of this development.

The developer will be constructing a private ROW loop. The specifications utilized in the design meet the City Standards. The development utilizes shared private driveways. This will not be considered a roadway for the project but will be constructed with concrete. From the Development Agreement:

Developer shall be entitled to use Private Roadway Street Section B with only one (1)-6' wide sidewalk adjacent to the right of way, so long as a second sidewalk services the front facade of the residences and connects to a public right of way without having to cross a road. Private alleyways/driveways shall be 32' wide from building to building. All guest parking must have adjacent connections to the pedestrian rights of way through means of pedestrian walking path or sidewalk.

A six (6) foot tall solid vinyl, masonry, or equivalent fence shall be required between the development and all lower density residential zones and along the Davis Weber Canal. Fencing shall be rated to withstand the proper wind load dictated in South Weber City Standards.

The developer has included 26 separate and distinct parking spaces for guest parking. This is more than adequate for the development. Each phase also has enough guest parking to cover each phase through development.

From the Development Agreement: Open space shall be accessible to the residents of the Development and configured in a manner to promote outdoor leisure. **The Open Space Calculations on the plans need to be updated to reflect the correct open space designations.** The development requires 19,000 square feet of open space. The total open space that is within main project area is sufficient for the development.

The development agreement has various design criteria that are listed for the development. The developer has supplied renderings as mentioned previously. The standards reflected in the document are:

- a. Exterior Finishes. All structures within the development shall use durable materials on exterior finishes, including brick, stone, Hardie board, architectural metal, or engineered wood on all four (4) of the building's facades. Aluminum or vinyl siding shall not be used as an exterior finish. Exterior finishes shall be substantially similar to Exhibit C.
- b. Architectural Variation. The structures within the development shall provide variable articulation in their design. Articulation shall be required on each side of the structures.
- c. Garage Dimensions. Individual garages shall be constructed to reasonably accommodate two standard vehicles, measured no less than 22 feet in width and length. The developer shall be required to utilize 18-foot garage doors.
- d. Driveways. In areas of the development that use single driveways to access one unit, driveways shall be no less than 20 feet in length to the back of the sidewalk.
- e. Roof Style. Roof design shall not include the use of flat roofs.

**City Engineer Brandon Jones review of the development is as follows:**

**--- RESUBMITTAL REQUIRED ---**

Our office has completed a review of the preliminary submittal received on January 18, 2023, for the Deer Run Townhomes Development, located on the same property of the former Lofts at Deer Run Development. We offer the following comments:

**GENERAL**



E1. Will Serve Letters.

A. No additional “will serve” documentation is needed.

E2. Plan Review Approval Letters. Even though there is a current development plan approved for the property, final plans for this new concept and layout must be sent to and an approval letter received from the following entities: BWCD, SWWID, and DWCCC.

E3. Updated Studies. Even though there is a current development plan approved for the property, plans for this new concept and layout need to be sent to A-Trans and CMT. They do not need to provide new reports, but they do need to provide an official addendum or update to their original studies that address any changes relative to the change in layout and use.

E4. Private Utilities. The on-site water, sewer, and storm drain system facilities will be privately owned. An Ownership and Maintenance Agreement will be required to clearly establish ownership and address long-term maintenance. We will provide a draft for review.

**PLAT**

E5. Phasing. The proposed phasing seems counterintuitive as Phase 1 requires a lot of out-of-phase utility installation through later phases. We just want to be sure that the developer is aware that each phase will have to be self-sufficient.

E6. Road Dedication. There is a space piece of ground on the northwest corner of the Deer Run Dr / 2700 East intersection that is shown as being dedicated to the road. We need some explanation as to why this is being proposed.

E7. Missing parcel. The open space parcel (Parcel A) appears to have an additional parcel immediately adjacent to the south that is not being included. This should be included.

E8. Property/Ownership Table. The preliminary plat needs to be updated to show the proposed ownership of the property correctly. For example, the private road is being shown as open space, but should be shown as Limited Common. Please review all areas and update accordingly.

E9. Addresses. Addresses for the lots will be provided by our office with the next review.

**IMPROVEMENT PLANS**

E10. Usable Open Space. The usable open space figure shows a portion of the dog park on property that is not shown as being owned by the developer. This is likely tied to the same issue mentioned above in E7.

Henry DeVarona and Jeff Clouse approached the Planning Commission. Mr. Clouse pointed out the garage dimensions are 22' x 22' and the Council wanted them to be widened, but 22' x 22' is just for the Type 1 units. Item #16 on the development agreement was discussed at the Council and they recommended 25% and presently there are no restrictions on the development agreement for the previous project. Based on the economy, they want to rent them until the economy is better. The future homeowners may need to sale, and they don't want restrictions for them to be able to lease. Mr. DeVarona explained because of the price point of the units, there will be a class of renters.

Commissioner Davis asked if there was any public comment.

**Stacey Eddings, 2645 E. 7800 S.**, opposed the dog park next to her property. She asked the Planning Commission to please reconsider and leave this area as a detention basin. She discussed a dog park with the canal owners, and they told her they wouldn't allow it because of the easement. She queried as to who is maintaining this property because the snow hasn't been cleaned off of the sidewalks.

**Paul Sturm, of South Weber City**, queried on the preliminary plan zone and the 35 townhomes on 2.914 acres. He is concerned the R-5-SG zone being proposed only permits a maximum of 8 units per acre with an outstanding design concept. He opined there are unanswered questions in the engineering review as pointed out by the engineering reviewer, the phases proposed appear to be out of sequence for the needed infrastructure development. He is also concerned with the Deer Hill Drive roadway between Phase 1 & 2 and the ability to egress up the road following a snowstorm. He recommended a 25' flat pad be installed prior to the sidewalk for both site distance issues and the ability to stop prior to the sidewalk for safety measures.

**Michael Grant, 2622 Deer Run Drive**, gave a brief description of the history of the property. He queried how the number of units has been calculated. He suggested the city code be followed.

**Doug Bitton, 2635 E. 7800 S.**, questioned the separate parcel being open space. He suggested a Landscape Plan be put in place for aesthetics and to be maintained by the developer. He would like to make sure the fencing is aesthetic and is as blinded as much as possible. He is surprised about the renting proposal by the developer, and questioned which units are going to be rentals. He doesn't want to see Phase 4 and 5 as rentals. He is appalled at the design features of the manholes and suggested something be done with them. He added 7800 South needs to be improved and suggested a moratorium on any development on 7800 South until the road is addressed and improved.

**Commissioner McFadden moved to close the public hearing for Public Hearing and Action on: Preliminary Plat (35 lot Townhouse Plat), Rezone (from C-O to R-7), & Development Agreement 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 Losee seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

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

Mr. Clouse stated there is a typo and there will be no dog park on the detention property. He added there is sufficient open space for this development. The Landscape Plan is currently under development and will be maintained by a Homeowner's Association for all open space areas. Solid vinyl fencing will be installed. The silos need to be relocated and won't look like silos when back filled. The final look will be a manhole cover.

Commissioner Skola questioned who maintains the fence. Mr. Clouse replied it will be maintained by the HOA. Commissioner Losee addressed the development agreement and queried on item #2 concerning parties. Mr. Clouse replied Deer Run Investments will be party to the development agreement. She asked about the geotechnical item #5 and making sure the development standards are followed. She is concerned about the sloping of sensitive lands because this is a high wind area, and the setbacks are only 10'. She queried why it isn't 25'. Mr. Cahoon replied the developer requested 10' and it was reviewed by the Development Agreement Committee. Mr. Blakesley explained the development agreement is a zoning document and is applied only to this parcel. The Commission may or may not agree with items in the development agreement and can suggest amendments. He discussed State requirements that allow for flexibility of requirements in a development agreement.

Commissioner Davis explained the Development Agreement Committee discussed the 10' setback and the general consensus for this request was sufficient to ensure security as well as the look and feel of the development. Commissioner McFadden queried if the committee discussed the park strip and sidewalk was considered as part of the concession. Mr. Jones reported if you measure from front of curb to front door it is 18' from 2700 East. Commissioner Losee is concerned about those units along 2700 East. Mr. Clouse pointed out because of the grade; individuals will walk into the second story of the units along 2700 East. Mr. Jones acknowledged this is a preliminary plat and a grading plan will be submitted on the final plat. Commissioner Losee identified unit #101 and unit #301 and suggested removal for the line of sight. She opined five phases is too many. Mr. Clouse explained financing is key and vital in today's market. Mr. Cahoon suggested focusing on items in the development agreement because it is a legislative document.

Commissioner Losee requested Commissioner Boatright's email be included in the minutes since he can't attend this meeting. (SEE ATTACHED EMAIL)

Mr. DeVarona addressed the original project being 74 units and 27,000 sq. ft. of commercial and the City didn't want that much traffic. Then it went from 4,500 sq. ft. of commercial to zero. Commissioner Losee doesn't favor 50% of rentals. Mr. Clouse explained the difficulty of the current economy and discussed the owner being able to rent a unit if circumstances change for them. Mr. Blakesley announced it is typical in CC&Rs for cities to include rental restrictions for military service, temporary reassigned jobs, missionary service, etc. Mr. Clouse acknowledged their intent is to sale the units, but there may be circumstances with the economy that may change that. Mr. Blakesley remarked the CC&R's can allow for a phased rental percentage and suggested the rentals should be around the 25% ratio; however, he does understand the applicants concerns. Mr. DeVarona asked if language can be included that the percentage can change based on the economy. Mr. Blakesley discussed various possibilities and language that can be included in CC&R's. Commissioner McFadden discussed making sure the developer is successful and feels there is value and wisdom with the 25%. Mr. Blakesley suggested the developer review the city's internal accessory unit code to obtain language for the CC&R's.

Commissioner Davis queried on garbage removal. Mr. Clouse replied there will be individual cans for each unit in which all collection will take place on the private roads. Commissioner Losee addressed her concerns with fencing blowing over with the high winds in the area as well as safety for Davis/Weber Canal. Mr. Cahoon noted there is sufficient parking for this development. Mr. Jones explained the Sewer Capital Facilities Plan, dated August 2017, identifies the Property as requiring 4.0 Equivalent Residential Units (ERU's) based on an assumed commercial-only land use. The City acknowledges that the development exceeds the anticipated demand, and the needed capacity will be addressed through future Capital Facilities Plans and future capital improvement projects. The development's proportional share of the future capital improvement projects which will provide the desired capacity will be paid through the impact fees assessed when the building permits are issued. Building permit approval and occupancy will not be contingent upon sewer capacity. Mr. Cahoon explained the short-term rental code isn't allowed for this area as per city code.

Commissioner Davis queried if the entrances can be flattened out. Mr. Jones suggested the developer be aware of safety concerns for those entrances. He reassured everyone through the design phase they will strive to make sure all safety concerns are reviewed and addressed.

Discussion took place regarding the hatched section identified as “road dedication” and the fact that this has been deeded back to the City.

**Commissioner Losee moved to continue the Preliminary Plat (35 lot Townhouse Plat), Rezone (from C-O to R-7), & Development Agreement 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 Skola seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

**Commissioner McFadden moved to open the public hearing for Public Hearing and Action on: Ordinance 2023-02: Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), Adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG). Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

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

**8. Public Hearing and Action on: Ordinance 2023-02: Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), Adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG):**

### **ORDINANCE REVIEW**

Community Services Director Trevor Cahoon reported in the November Planning Commission meeting the Planning Commission discussed the creation of an overlay zone to help encourage quality construction. Throughout the conversation the Commission discussed what things they would like to regulate and require allowing for increased density. Based upon that discussion Staff has drafted an ordinance for a Strategic Growth Overlay zone and made amendments to all areas of the code that reference to the R7 zone to now say R5.

Planning Commission will now make a recommendation on the amendments to the R-7 Zone, creation of the SG Overlay Zone and subsequent rezones of current properties that have the R-7 designation but do not have any construction within the property. This rezone does not affect any applications that were received or approved prior to the amendment of this ordinance.

Upon review of other ordinances, it was noticed that the Planned Unit Development (PUD) conditional use was removed inadvertently from the land use matrix. This was confirmed after conversations with the Code Committee and City Manager David Larson. Because the land use matrix is included in this ordinance, staff would recommend an amendment to include PUD as a conditional use in all residential zones (A, R-L, R-LM, R-M, R-P, and R-5). This recommendation comes at the discretion of the Planning Commission to make, up to the City Council.

**BACKGROUND**

The City Council when approving the Final Plat for the South Weber Gateway project, instructed the Code Committee to consider zoning text amendments to facilitate the development in amending the approved final plat to allow for a townhome development for individual ownership. The items that were brought forward by City Staff as areas that prohibited this type of development included the following:

- The exclusion of provisions surrounding zero lot line developments.
- The absence of a dwelling, townhome definition within the code.
- The inclusion of setback provisions that oriented buildings based on lot configuration and not on orientation of the buildings toward a right-of-way.

As the Code Committee reviewed the R-7 zone, it became clear that the ordinance was written with parameters in a similar fashion to a single-family zone thus making it difficult to plan a multi-family development. The reason that these inconsistencies were not noticed in other developments lies in the fact that other projects utilized the Planned Unit Development conditional use section of our code. The South Weber Gateway was the first project to follow development guidelines strictly under the R-7 zoning code.

As conversation progressed within the Code Committee other areas of concern toward multi-family developments were discussed in relation to the R-7 code and future development. While it is still a desire to limit the use of this zone, the Code Committee discussed various housing types that would be more appealing to future development other than traditional townhome, high-rise, or garden style apartments. Through the conversation the Committee identified the main issue with multi-family housing is the visual appeal and congruence of form with surrounding single-family units already established within the area. To answer these concerns two concepts were discussed, type of housing unit and design standards.

In the case of design standards, the State of Utah has limited the City's ability to impose design standards upon single-family developments. It does not prohibit a city from imposing design standards on multi-family units. Therefore, if the City wishes to pursue developing a design standard for multi-family housing this is a possibility. Townhomes are the outlier within this context because although there is more than one unit within the building, state code does identify these units as single-family attached developments. Within the state code there is a provision to allow a City to impose a design standard on single family developments if the code allows for a density incentive utilizing an overlay zone. This would mean that if the City were to allow a developer to have more density than a zone would typically allow then we would be able to impose design standards for the development.

With this line of thinking if the City were to seek for particular multi-family or single-family units by offering more density then we would be able to dictate the form of the units themselves. The Code Committee then discussed the possibility of reducing the allowed density within the R-7 zone to 5 units an acre and offering an incentive of 7 units and acre then the city may be able to better control the type of development that is found within the city.

For example, including smaller single-family housing complexes like Cottage Courts. In these types of development, we would offer a higher density for the creation of single-family homes with smaller lots on a shared court. Some items to discuss would be how many units an acre we would want to encourage and the style of development.

Mansion style apartments or condos was another housing concept that was attractive to the Code Committee. Allowing a building to look like a large single-family home, but housing 4-7 units within the home. So that appearance would be single family while providing more variety and density of housing.

While the idea is new and needs more work to determine the viability of the incentive, the prospect of this update with an eye toward the Moderate-Income Housing Updates becomes an idea that can provide a better development and use of land within the future. Further discussion on whether it is viable to reduce the R-7 zone's density further and then offer the now current density as incentive would provide the desired outcome would be important for the Planning Commission to discuss.

At this stage it has become necessary to get the feedback from the Planning Commission on the potential changes the R-7 zone and receive their recommendations on what to include in the draft ordinance. The following table breaks down the changes proposed by the Code Committee for the Planning Commission review.

After a discussion in Planning Commission on September 15, the Commission gave the following directions to staff to update the code in the following ways:

- Update the definitions as recommended.
- Allow townhouses as a permitted use.
- Maintain density at 7 units an acre but explore in a future update overlay zone.
- Establish a minimum lot area and minimum lot width.
- Utilize sections for zero lot lines and setback orientation for share common space as recommended.
- Alter front setback lines to 25 feet to accommodate for large vehicles.
- Include diagrams to demonstrate setback requirements.

Staff has made updates based on the recommendations from the Planning Commission. The only exception is including a minimum lot area. Staff would recommend that having a minimum lot width would be sufficient to dictate design aesthetic and would allow for more flexibility of design than restricting a minimum lot area. This is something that the Planning Commission could recommend be included back in the ordinance.

The Planning Commission met on October 13 to discuss the draft ordinance and make their recommendation to City Council. In a 3-0 discussion by the Planning Commissioners present a recommendation was made to approve the drafted changes to the Residential Multi-family zone, and recommend the Council begin the process in the creation of overlay zones to address design standards in accordance with Utah State code.

In a discussion item with the City Council on October 25, the Council expressed a desire for the Planning Commission to have a more in-depth discussion on the reduction of density within the R-7 zone to 5 units per acre and the creation of draft ordinance for an overlay zone to grant bonus density of up to 2 units and the implementation of design standards. The Council feels that the exploration of creating an overlay zone now would be pertinent to protect the interests of the city in facilitating development standards for projects in South Weber.

Planning Commission reviewed the ordinance in the December Planning Commission and felt it was ready to make the recommendation.

Commissioner Davis asked if there was any public comment.

**Tim Grubb, of South Weber City**, expressed he is one of the property owners affected by this and he doesn't have any opposition to it. He gave a brief history of the property. He queried if care centers carried over to residential areas because the Petersen Farm Assisted Living Center is legally non-conforming.

**Commissioner Skola moved to close the public hearing for Public Hearing and Action on: Ordinance 2023-02: Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), Adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG). Commissioner McFadden seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden, and Skola voted aye. The motion carried.**

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

Mr. Cahoon explained in the review with Code Committee in the land use matrix, when it was adopted, they didn't include Planned Unit Development into it. He recommended adding a PUD as conditional use to residential zones.

Mr. Cahoon addressed Mr. Grubb's question and stated care centers are permitted in commercial and a conditional use in R-LM, R-M, R-P and R-5.

Commissioner Losee queried on landscaping bonus densities etc. Mr. Cahoon explained the proposed city code 10-20A-3 subsection A on page 88 of the packet states:

**A. Density Bonus: Residential density within a planned development may exceed that permitted by the R5 Zone up to a maximum of sixty percent (60%), at the discretion of the Planning Commission and subject to concurrence of the City Council. The Planning Commission must find, however, that any increase in density will be compensated by increased amenity and improved design which, in its opinion, are proportional to the density increase which it authorizes.**

Commissioner Skola queried which areas of the development are included in the density bonus. Mr. Cahoon replied it is the entire area within the overlay zone. Discussion took place regarding bonus density calculations and items the committee addressed with easements included. Commissioner Davis commended City staff for their work on this ordinance.

**Commissioner McFadden moved to recommend approval of Ordinance 2023-02: Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), Adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG) with a friendly amendment by Commissioner Davis to update the land use matrix to include PUDs as a conditional use in all residential zones including agriculture. Commissioner Losee seconded the motion. A roll call vote was taken. Commissioners Davis, Losee, McFadden and Skola voted aye. The motion carried.**

**9. Commissioner Training provided by Jayme Blakesley**

City Attorney Jayme Blakesley presented the Utah Open and Public Meetings Act Training for the Planning Commission. He explained all meetings are open to the public unless closed. This includes “work meetings” and “executive session”. A quorum consists of three members present in person or by electronic telecommunications.

A public meeting requires a 24-hour notice with an agenda, date, time, and place. A person may be removed if there is disruption of meeting or if “orderly conduct is seriously compromised.” Electronic meetings are allowed. Prior formal authorization of the City is required, public notices is required, anchor location, and facilities so all can attend, monitor, and participate. He suggested establishing ways public comments will be accepted ahead of time. If an email is submitted following a meeting, it will not be included with the minutes.

Mr. Blakesley explained minutes and recordings are required of all meetings. Recordings are to be “Complete Unedited Record” of all open portions from beginning to end, properly labeled: date, time & place, available within 3 business days of meeting, and permanently retained.

Closed meeting consists of a quorum + 2/3 vote, must meet subject matter requirements §205, and publicly announced and record: the reason for closed meeting; location; and each member’s vote for or against the closed meeting. Closed meeting purposes include Discuss individual’s character, professional competence, or physical or mental health, Strategy session – litigation, Strategy session – real property (value, best possible terms); Sale = prior notice; terms disclosed before final, Deployment security measures, Investigative proceedings – criminal misconduct, Deliberations; procurement evaluation committee; protest; appeals, and Procurement: trade secrets; misc.

Emergency Meeting can be held when there is an attempt to notify all members, best notice practicable, and majority members approve of the meeting. When there is a change meeting (social gathering) the act does not apply, and city business shouldn’t be conducted. Please note any violation may result in a Class B misdemeanor, six months jail, and \$1,000 fine. Electronic Messaging is not restricted when meeting not convened.

Mr. Blakesley reviewed basic parliamentary rules which are as follows:

- 1) Any matter that requires a decision (must be on the agenda) shall be brought by motion.
- 2) The meeting is governed by the agenda and the agenda constitutes the agreed-upon roadmap for the meeting. Any matter that requires a decision (must be on agenda) shall be brought by motion.
- 3) One question at a time and one speaker at a time.
- 4) The chairperson may use General Consent (aka Unanimous Consent) with all motions except those where the votes are used for purposes of the meeting minutes and require a roll call of the council.
- 5) There are only three basic forms of motions allowed: initial motions, motions to amend, and substitute motions.
- 6) There should be no more than three motions on the floor at the same time.
- 7) The debate/discussion can continue as long as members wish to discuss an item, subject to the chairperson determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a council member to limit the debate.
- 8) Three yes votes are required to pass any item, with certain items requiring more than three votes (e.g., 2/3 for closed session).



- 9) A motion to reconsider any item requires a majority vote to pass (NOTE: there are very specific rules for a motion to reconsider).
- 10) The chairperson and members shall adhere to bylaws and code of conduct.

**Types of motions include:**

- **Main motion** – Introduce a new item.
- **Subsidiary Motion** (motions to amend or substitute motions) – Change or affect how to handle a main motion (vote on this before main motion)
- **Incidental Motion** – Questions procedure of other motions (must consider before the main motion)
- **Motion to Table** – Kills a motion.
- **Motion to Continue/Postpone** – Delays a vote (can reopen debate on the main motion).

**Every motion has (at least) six steps:**

- 1) **Motion** – A member rises or raises a hand to signal the chairperson.
- 2) **Second** – Another member seconds the motion
- 3) **Restate motion** – the chairperson restates the motion.
- 4) **Debate/Discussion** – the members debate/discuss the motion.
- 5) **Vote** – the chairperson restates the motion, and then first asks for affirmative votes, and then negative votes.
- 6) **Announce the vote** – The chairperson announces the result of the vote and any instructions.

**How the vote is taken:**

- **Roll call vote:**
  - Ordinances.
  - Resolutions; or
  - Any action which would create a liability against the City
- **Simple “yes” or “no”:**
  - All other matters

**Point of Things:**

- **Point of order** – Draws attention to breach of rules, improper procedure, etc.
- **Point of information** – A member may need to bring up an additional point or additional information so that the other members can make fully informed votes.
- **Point of inquiry** – A member may ask for clarification to make better voting decisions.
- **Point of personal privilege** – A member may address the physical comfort of the setting, such as temperature or noise.

**Public Hearings:**

- Residents of the City have a right to be heard.
- Members of the public body are not required to respond to questions or comments.
- Public hearings are opened by motion and vote.
- On land use decisions, the applicant has a right to respond to public comment with information and argument.
- Public comment may be limited to a reasonable amount of time (e.g., a few minutes per person/topic)
- Public hearings are closed by motion and vote.

- No member of the public shall be heard until recognized by the chairperson.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit their comments to matters of fact regarding the issue of concern.
- Personal attacks made publicly toward any person, official, or employee are not allowed and are grounds for removal.

Mr. Blakesley reviewed the Municipal Officers & Employees Ethics Act which established the minimum standards, sets up a disclosure system for conflicts of interest, and describes crimes you can now commit as a public officer or employee.

### **When is disclosure required?**

#### **Written**

- Regulated Business
- Doing Business w/ City
- Personal Interest or Investment
- Assist/Advise on City Transaction\*

#### **Oral**

- Any of items on left.
- Open Meeting
- BEFORE Discussion on Topic

\*Disclosure must occur 10 days before agreement w/ City or 10 days before receipt of compensation (whichever is earlier).

### **What crimes are available?**

**INFORMATION:** Disclose or improperly use private, controlled, or protected information

**PRIVILEGES:** Use or attempt to use office for economic gain or to secure special privileges

**GIFTS:** Knowingly receive, accept, take, seek, or solicit a gift of substantial value or a substantial economic benefit tantamount to a gift.

**ACCESS/ADVICE:** Be paid to help someone w/ City business (w/o disclosure)

Mr. Blakesley conducted the Land Use Training. He explained the objectives include: (1) Understand the legal framework for making land use decisions in the City, (2) Identify the powers and duties of the City Council, Planning Commission, and Staff for making land use decisions, (3) Know how to avoid illegal, arbitrary, or capricious decisions by establishing a thorough record for each and every land use decision, and (4) Consider the best framework for making, applying, and enforcing land use decisions.

### **"Land use regulation":**

(a) Means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land.

(b) Includes the adoption or amendment of a zoning map or the text of the zoning code; and

(c) Does not include:

(i) a land use decision of the legislative body acting as the land use authority, even if the decision is expressed in a resolution or ordinance; or

(ii) a temporary revision to an engineering specification that does not materially:

(A) increase a land use applicant's cost of development compared to the existing specification; or

(B) impact a land use applicant's use of land.

**"Land use decision"** means an administrative decision of a land use authority or appeal authority regarding:

- (a) a land use permit.
- (b) a land use application; or
- (c) the enforcement of a land use regulation, land use permit, or development agreement.

Mr. Blakesley expressed the city is a political subdivision of the State of Utah. All land use decisions in the City must comply with the Land Use Development and Management Act (LUDMA). The City may adopt its own land use standards so long as they are consistent with federal and state law. Mandates include: (1) Creation of a Planning Commission, (2) Establishment of a Land Use & Appeal Authorities, and (3) Adoption of a General Plan and a process for considering land use applications.

**Legislative Body (City Council):**

- Only a Legislative Body may enact a land use regulation.
- Shall adopt a land use regulation to create or amend a zoning district and designate general uses allowed in each zoning district.
- May establish or modify other restrictions or requirements, including the configuration or modification of uses or density, through a land use decision that applies certain criteria or policy elements.
- Shall consider (but may adopt, reject, or revise) each proposed land use regulation that the planning commission recommends.
- May establish a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

**Land Use Authority (City Council, Planning Commission, or Staff):**

- Shall apply the plain language of land use regulations.
- In the absence of a "plain" restriction, shall interpret and apply the land use regulation to favor the land use application.
- Shall approve a conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

**Appeal Authority:**

- Hears and decides requests for variances and appeals from decisions applying the land use ordinances/fees.
- May not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority
- May be an individual or a multi-person board, body, or panel.

<b>MUNICIPAL LAND USE ACTIONS</b>			
	<b>LEGISLATIVE</b>	<b>ADMINISTRATIVE</b>	<b>QUASI-JUDICIAL</b>
<b>CHARACTERISTICS</b>	<ul style="list-style-type: none"> <li>- Promulgation of laws of general applicability</li> <li>- Based on the weighing of broad, competing policy considerations</li> <li>- Subject to voter referendum</li> </ul>	<ul style="list-style-type: none"> <li>- Applying the law to particular individuals or groups based on individual facts and circumstances</li> <li>- Decision is bound by the law and cannot be based on public opinion</li> </ul>	<ul style="list-style-type: none"> <li>- Defers to established law and Legislative/Land Use Authority</li> <li>- Review limited to error, illegality, or abuse of authority</li> </ul>
<b>RESPONSIBLE BODY</b>	<b>City Council or General Electorate</b>	<b>City Council, Planning Commission, or Staff</b>	<b>Appeal Authority or Court</b>
<b>EXAMPLES</b>	<ul style="list-style-type: none"> <li>- Zoning Ordinances (including a site-specific zoning ordinance)</li> <li>- General Plan</li> <li>- Rezones</li> <li>- Annexation</li> </ul>	<ul style="list-style-type: none"> <li>- Conditional Uses</li> <li>- Site Plans</li> <li>- Development Agreements</li> <li>- Subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>- Variance</li> <li>- Appeal</li> <li>- Judicial Review</li> </ul>

Mr. Blakesley relayed only a legislative body may amend the number, shape, boundaries, area, or general uses of any zoning district; any regulation of or within the zoning district; or any other provision of a land use regulation. A legislative body may not make any amendments to a zoning district unless it first submits the amendment to the planning commission for the planning commission’s recommendation. He added land use actions include an appeal or variance. A party may not appeal for judicial review unless it has exhausted all administrative remedies. A petition for review may come from a land use applicant or an adversely affected party. A court shall presume that a properly enacted land use regulation is valid. A challenge will hinge on whether the regulation is expressly preempted by, or was enacted contrary to, state or federal law. A court shall presume that a final decision of a Land Use Authority or an Appeal Authority is valid. It will uphold the decision unless it is found to be (a) arbitrary and capricious, or (b) illegal. A decision is arbitrary and capricious if it is not supported by substantial evidence in the record of the proceeding.

Mr. Blakesley noted the best practices are as follows:

- Understand the nature of the decision (administrative/legislative/quasi-judicial)
- Know your role and responsibility (legislative body/land use authority/appeal authority)
- Follow procedural requirements exactly.
- Document your decision in writing.
- State the reasons for your choices.
- For legislative decisions, consider public hearings as opportunities to learn.
- For administrative decisions, know the law and apply it exactly.
- Delegate whenever reasonable
- If you are delegating authority, give clear directions.

Commissioner Davis thanked Mr. Blakesley for his presentation.

**PLANNING COMMISSION COMMENTS:**

**Commissioner Losee:** asked if HB 265 is on the City staff’s radar. Mr. Cahoon reported the City has a compatible use plan with Hill Air Force Base.

**Commissioner Davis:** thanked the City staff for all their hard work tonight.

**Trevor Cahoon:** the Code Committee needs two representatives from the Commission. It was decided Commissioner Davis and Commissioner Losee will represent.

**ADJOURN:** Commissioner Losee moved to adjourn the Planning Commission meeting at 10:09 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:** Jeremy Davis Date 3/9/2023  
Chairperson: Jeremy Davis

Michelle Clark  
Transcriber: Michelle Clark

**Attest:** Kim Duell  
Development Coordinator: Kimberli Guill

**From:** [Gary Boatright Jr.](#)  
**To:** [Trevor Cahoon](#); [Kim Guill](#); [Jeremy Davis](#); [Julie Losee](#); [Marty Mcfadden](#); [skolachad@gmail.com](mailto:skolachad@gmail.com)  
**Subject:** Comments Regarding Feb. 9 PC Meeting  
**Date:** Monday, February 6, 2023 7:47:04 PM

---

Fellow commissioners,

I apologize for not being able to attend the PC meeting scheduled for Thursday, February 9. This is an important meeting and I am disappointed I cannot attend. I have a commitment for work that I cannot miss. Otherwise, I would be with you. I understand that since I am not at the meeting, I really have no voice (or vote) other than that as a citizen of the community. It is in that spirit that I share these thoughts.

**Consent Items** - The minutes from the last meeting state that I "thanked commissioner Boatright for his service." This needs to be corrected to state that I thanked commissioner Walton for his service.

**Agenda Item #5** - Good luck to whomever is selected chair and vice chair. I have thoughts about this, but since I will not be attending, it would be inappropriate for me to share. I do believe we need to change the bylaws to have the chair and co-chair serve on the code committee. I think it would be valuable to have some new perspectives brought to the group.

**Agenda Item #6 (Crosswind Subdivision)** - I don't have any major concerns with this, though one thing did raise a question. The summary states "the developer has chosen to move forward in different steps." Is the developer driving the process or are they following the process established by the city? If we have a process, we need to stick with it.

**Agenda Item #7 (Lofts Rezone)** - This parcel of land is the most contentious piece of property in the city. Some of the worst and most argumentative meetings I have been in are with this developer. (It may be a good thing I am not there. I may not have a lot of nice things to say. ) A few questions:

1. What changed? The developer pushed hard to create high density housing development with commercials. After several long meetings they received approval, then put the property for sale with the approvals. Now a couple of years later, with little or no movement on the approved project, they are coming back with new plans that are more in line with what was wanted (but they are far from perfect). What changed? Why are they changing their plans? (Again, I like these plans better, but something causes me to pause on this.) Something does not add up.
2. Why build this in phases? This seems like a small enough project that it should or could be done in one or two phases, not four. If I were in the meeting I would ask for an explanation.
3. Does the number of units align with the conditions in the R7 zone? (I'm not a math person.) If not, I would not recommend approval.
4. Will these be 2 or 3 stories? Not a fan of 3 stories. In the draft development agreement it states that none should be higher than 38 feet. I would love to know what the neighbors feel about this.
5. If this is rezoned and the developer receives all the approvals, will the developer build this or will they sell the project to another developer? Past experience shows they would try to sell it. I recommend making the development agreement non-transferable, if that is possible.
6. I like that no more than 25% of these units can become rentals. Would love to see that

number lowered.

**Agenda Item #8 (Ordinance 2023-02)** - I am leery of overlays. I would like to ensure that there are no loopholes in the overlay that a developer could use to develop something other than what is intended by the code. If that can be confirmed, I would likely vote to recommend approving this.

**Agenda Item #9 (Training)** - I will be surprised if you have time for this. I recommend this be moved to the March meeting.

I am sorry I will not be with you and I hope the meeting will not go long.

Gary Boatright

**From:** [Natalie Browning](#)  
**To:** [Public Comment](#)  
**Subject:** 2700 E Lofts  
**Date:** Thursday, February 9, 2023 4:06:14 PM

---

South Weber CC and PC,

I am writing you as I am concerned about the Lofts rezone request. This has been a problematic development from the beginning. At this time the density does not match the requested zone, and our current code doesn't support what is being requested. Another concern I have is the safety issues from this proposal in regard to the two entrance/exits. This is a busy road already, and with the slope road it has the potential to impact sight lines based on the proposed building placement and height. This proposed development is on a very small piece of property. Is there enough space in this plan to allow cars to stop behind sidewalks before exiting out onto 2700 E? With a development of this size and the flow of traffic on 2700 this may be a big problem. The height of the building is also very worrisome. As I look around at what is happening along the Wasatch Front we are being overrun with these monstrous developments. My hope is that this development will not look out of character and become an eyesore in this beautiful neighborhood. From my understanding with the last general plan which was completed twice with input from many citizens, R7 was the highest density that is allowed in our city. The 11 units per acre seems extreme and very out of character for South Weber. The last city plan was also greatly against HDH which he is asking for in his his proposed development agreement to increase the density.

Your decisions in this proposed development will impact this area for our lifetimes. Your thoughtful appreciation about this critical development and the impact it has on our citizens is tremendous.

Thanks for all of your hard work and thoughtful consideration,

Natalie Browning  
South Weber Resident



**Comments to South Weber City Planning Commission  
for 09Feb23 Meeting  
by Paul A. Sturm**

**Public Comments and Questions for Agenda Item #7 -Packet Pages 31-70 of91**

7. Public Hearing and Action on: Preliminary Plan (35 lot Townhouse Plat), Rezone (from C-O to R-7), & Development Agreement 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.

**A) Please See Packet Page 31-35 of 91 - Planning Memorandum**

The current zoning for this project is Commercial-Overlay (C-O). The development agreement illustrates the need for the Applicant to rezone the property to Residential Multi-Family Seven (R-7). They have submitted an application for this rezone in conjunction with the project.

- 1) How can South Weber take an action on a Preliminary Plan when there is no current zone that would permit 35 Townhomes on 2.914 acres? Please Explain.
- 2) The new R-5-SG zone being proposed *is planned to replace R-7 that only permits a maximum of 8 units per acre , (ORD 2023-02,)* with an outstanding design concept. *This is based on an R-5 with a maximum of 60% bonus density.* That would equate to a total of 24 units on this parcel. I do not see anything in the design proposed that rises to an "outstanding" level. Please Explain **35**.

**B) Please See Packet Pages 36 to 37 of 91 - Engineering Review #1**

There are many unanswered questions posed in this engineering review that should be addressed before a preliminary approval is made. As pointed out by the engineering reviewer, the phases proposed appear to be out of sequence for the needed infrastructure development. The City does not want to be put in the position to preliminarily approve a design that, in the future, may be untenable with the next phases, and thus potentially force the City to further accept/permit amending the design, possibly to the City's detriment.

**C) Please See Packet Pages 38 to 56 of 91 - Project Preliminary Design**

A few of my many concerns with the Deer Hill Drive roadway between Phases 1 & 2 are:

- 1) The road appears to be quite steep with a rise of approximately 20-25 feet over a run of 133 feet. I have a concern about the ability to egress up the road after a snowstorm.
- 2) At the top of the road is a sidewalk that is traversed by many children and others on a daily basis. I recommend that a 25 foot flat pad be installed prior to the sidewalk for both site distance issues and the ability to stop prior to the sidewalk, especially in inclement weather.