

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 9 July 2020

TIME COMMENCED: 6:01 p.m.

LOCATION: Electronic Meeting through Zoom

PRESENT:

COMMISSIONERS:

Gary Boatright
Tim Grubb
Wes Johnson
Rob Osborne
Taylor Walton

CITY PLANNER:

Barry Burton

CITY RECORDER:

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Hollie Dance, Trevor Schenk, Nate Kendell, Jay Ralls, Blair Halverson, Sam Sorenson, Kelly Parke, and Fred Gunderson.

1. PLEDGE OF ALLEGIANCE: Commissioner Walton

Development Coordinator, Kimberli Guill, was excused from tonight's meeting.

- 2. Public Comment:** Written public comments must be submitted by email to publiccomment@southwebercity.com. Comments must be received prior to the meeting start time. Subject line should include meeting date, item# (or general comment), first and last name. Comments without first and last name will not be included in the public record.

Public Comments through Zoom are as follows:

- a. Individuals may speak once for 3 minutes or less
- b. State your name and address
- c. Direct comments to the entire Commission
- d. Note Planning Commission will not respond during the public comment period

Hollie Dance, 6608 S. Silver Oak Lane, was concerned about soccer tournaments at La Roca as she thought it was only a practice facility. She also spoke about the hours of operation and high volume of people using it. She expressed her worries with 6650 South not having sidewalks.

Trevor Schenk, 6455 Raymond Drive, indicated the soccer complex was approved with a buffer yard. He had a contract with Mr. Parke stating the buffer zone would continue to the end of his property. He addressed hours of operation and stated the facility has been open until

midnight. He would like to see the 10:00 p.m. closure enforced. He echoed the traffic issues on 6650 South and opined there is a safety issue there.

Nate Kendell, 220 E. 6650 S., stated he is concerned about the speeding on 6650 South. He felt the soccer complex should be held accountable. He remarked there is a lot of traffic travelling in and out of the soccer complex.

3. Approval of Consent Agenda
a. 3 June 2020 Minutes
b. 11 June 2020 Minutes

Commissioner Walton moved to approve the minutes of 3 June 2020 and 11 June 2020 with an amendment to the 3 June 2020 minutes to include his comment that the LED lights were not included in the light study for Morty's Car Wash. Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

4. Conditional Use Permit Review: CU 16-05 South Weber Soccer Facility by Kelly Parke

Conditional use permit (CUP) 16-05 was approved by the planning commission on September 8, 2016 and approved by the city council on September 13, 2016. A review meeting on April 10, 2018 brought additional clarifications and conditions to the permit (see CUP 16-05) which was approved by the planning commission on May 10, 2018. An official form was then created that documented the conditions.

Neighboring residents of the facility have expressed concerns regarding the facility operations, including but not limited to noise from use of the outdoor fields and trespassing to retrieve soccer balls that go over the fence. State law and the opinion of the property rights ombudsman's office provides for a review of the conditions on a CUP to mitigate legitimate nuisance complaints as brought forward by neighbors. The planning commission can review the current conditions on the CUP and recommend any amendments if they feel they would better mitigate nuisance issues. A recommendation of the planning commission would move to the city council for final review and decision.

Kelly Parke, owner of the soccer facility, stated he fulfilled the buffer yard requirement.

Barry Burton, city planner, explained Buffer Yard C applied at the time of the CUP. Kelly discussed the difficulty with understanding Buffer Yard C. Blair Halverson, city councilman, explained citizens have brought up nuisances and should be a part of the discussion.

Commissioner Grubb asked what Buffer Yard C included. Barry explained he didn't have that document anymore as it has been updated. Commissioner Grubb indicated the approved plan was for the 50' buffer yard. He mentioned Councilman Hyer, city councilman at the time, made a motion to include neighbor approval of the type of plants for Buffer Yard C. Kelly expressed he shouldn't need approval if he followed the code at the time. Commissioner Grubb stated the motion was made that included the requirement so if there isn't an agreement in place, one needs to be arranged. He did visit the location and there are dead plants and plants that are not growing that need to be replaced. The reasons for a buffer are for visual and sound buffer. Commissioner

Boatright asked why it hadn't been completed. Kelly acknowledged he met with Chris Tremea, city code enforcer, and Trevor Schenk to discuss the buffer. He requested the commission examine Chris's notes for proof. Commissioner Walton read from the current city code concerning buffer yard landscaping. He recommended going with the current code. Kelly would rather go with the new code because it is easier to understand. Barry stated the current code requires landscape and a masonry wall.

City code section 10-15-8 Failure to Comply points out if the buffer is not maintained, the business license can be revoked. Commissioner Boatright advised choice of plants can help with citizens not being able to see the soccer complex. Commissioner Grubb mentioned the existing vinyl fence has some holes and needs to be repaired.

Commissioner Osborne discussed the difficulty with the city getting involved with every neighbor dispute. He commented there is a conditional use permit that has conditions that need to be followed. Kelly discussed his frustrations with his property being deliberately damaged. Commissioner Osborne recommended David Larson meet with the parties involved to discuss further. Commissioner Grubb suggested Mr. Parks submit a buffer yard plan and what he is going to do to comply.

Comments proceeded regarding the hours of operation being 6:00 a.m. to 10:00 p.m. Monday through Saturday. Kelly charged conditional use permit #16-05 doesn't state the hours of operation. Brandon Jones, city engineer, clarified the motion in the minutes of 13 September 2016 included the hours of operation to be 6:00 a.m. to 10:00 p.m. He explained because there have been recent complaints about the hours of operation, the planning commission can review the CUP and make changes. Commissioner Osborne asked if there is a problem with the time limits. Kelly announced they are rarely there until midnight. He stated if the hours of operation were limited from 6:00 a.m. to 10:00 p.m., he wouldn't have built the facility. Commissioner Grubb reviewed the hours of operation and practice facility use were all discussed prior to the conditional use permit being approved. Brandon indicated in 2018 the CUP went before the planning commission and city council and was approved without the hours of operation, practice facility only, etc.

The planning commission requested more information concerning the timeline of events and approvals and specific complaints from citizens. Commissioner Osborne asked for more evidence. He suggested tabling to get more information and advice from David Larson and the city attorney.

The matter moved on to traffic issues. Commissioner Johnson suggested moving the barriers 100' west of Silver Oak Lane. Commissioner Osborne was concerned about removing another connection. Kelly declared parents are continuously reminded not to use the neighborhood access. Commissioner Grubb discussed the level of impact on the adjacent neighborhood was more than anticipated. He stated there is no speed limit sign on 6650 South or Silver Lake. Also, there is no sidewalk on 6650 South. Commissioner Grubb requested more discussion and information. Commissioner Osborne wanted a bullet point document. Commissioner Walton called for a list of the complaints. Commissioner Grubb encouraged Barry and Brandon present ideas for lessening the traffic issues.

Commissioner Johnson moved to table Conditional Use Permit Review: CU 16-05 South Weber Soccer Facility by Kelly Parke. Commissioner Walton seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

5. Discussion: Style Studios (similar & compatible use discussion by Tanya Jensen) located in Dan Murray South Weber Drive Commercial Subdivision at approx. 2530 E South Weber Drive:

Barry Burton, City Planner's review of 30 June 2020:

PL1 – Project: The applicants would like to construct a hair and beauty salon in the C-H zone west of Little Caesar's and the approved Alpha Coffee in the South Weber Commercial Subdivision. The salon would accommodate 10 stylists in separately leased spaces within the building.

PL2 - Ordinance Considerations: The C-H zone does not list hair and beauty salons as a permitted or a conditional use. There is a provision in the zone that allows the Planning Commission to determine if a proposed use is "similar and compatible" to other listed permitted uses and allow that use. This was done to allow two other nearby land uses; the insurance office and the physical therapy office. The applicants would like to know if their proposed use will be allowed prior to design and engineering.

PL3 - Recommendation: This proposal would be beneficial to residents of the city and would not negatively impact adjacent properties. I recommend a determination that this proposed use is similar and compatible to listed permitted uses.

PL4 – Process Forward: If the use is allowed, the project will proceed through review by the Sketch Plan Committee, then be brought back for final staff review and then will be presented to the Planning Commission for architectural site plan approval. The project would be under an acre in area, therefore not a conditional use and not subject to City Council approval.

Tanya Jensen explained she would like to construct a studio suite salon on the property west of Little Caesar's. The proposed building is approximately 2,000 sq. ft. to 2,500 sq. ft. Each suite would be privately owned by individual hair stylists. She indicated the C-H Zone doesn't specify this type of business. She would like direction whether she would need to request a rezone to Commercial. Nicholas Jensen discussed the design of the building and the possibility of the building over time converting to a restaurant or other use.

Commissioner Grubb suggested the C-H Zone is acceptable because of the surrounding properties. The planning commission agreed the proposed use is similar and compatible with other uses in the area and could be in the C-H Zone.

6. Discussion: Mountainside Plaza (buffer yard & setback discussion by Sam Sorensen & Fred Gunderson) located at approx. 2550 E 8200 S (East Frontage Road)

Barry Burton, City Planner's, review of 30 June 2020 is as follows:

PL1 - Project: Mountainside Plaza is a proposal to establish a gymnastics gym and retail commercial space in a one building on a C-H zoned parcel on 2725 East (frontage road east of Hwy. 89) at approximately 7900 south. A very similar proposal was made about 10 years ago on the same property by the same person, Mr. Fred Gunderson. That project received conditional use approval but was never built.

PL2 - Ordinance Considerations: At the time of the previous approval, a buffer yard was required between the building and the residential zone/neighborhood to the east. One of the options the ordinance then allowed was a 10' buffer yard with a significant number of shrubs and trees. This was the approved buffer yard. Since then the buffer yard requirements have been amended requiring a minimum of 20' width with far fewer plantings.

PL3 - Variance Requested: Due to terrain and site constraints, the difference between a 10' and a 20' buffer yard could create major site plan changes. Because of this, Mr. Gunderson is seeking a deviation from the buffer yard requirements prior to completing design and engineering. The current proposal is to establish a 10' buffer yard on the east side of the property. They would still be installing the required number and type of trees and the 6' masonry wall.

There also is a residence on the north side of the property that sits well below the level of this project site. There is a thick stand of native oak trees on the north side of the site that, along with the elevation difference, provides an effective natural screen and barrier between the two properties. The applicant would like to leave that natural screen in place and not put in the required 6' wall or trees.

PL4 - Recommendation: The purpose of the buffer yard requirements is to protect adjacent residential properties from the impacts of commercial development. Applicants have stated they have contacted adjacent residents to the east and claim they have no objection to the 10' setback on that side. If they can provide evidence, either written or by personal appearance, that all adjacent neighbors to the east do not object to the proposed deviations, I would recommend approval of that deviation. If such evidence is not provided, I would recommend denial.

I recommend approval of the request to leave existing vegetation on the north side in place of the required buffer yard. It is an effective existing buffer.

PL5 – Process Forward: Once the buffer yard questions are answered, the applicant will proceed with design and engineering and the entire project will be brought before the Planning Commission for preliminary conditional use/architectural site plan approval. If preliminary approval is granted, it will be back before the PC and then the City Council for final approval.

Sam Sorensen, engineer for the project, explained Fred would like to construct a gymnasium with retail development in front. They met in a sketch plan meeting where the need for more parking was discussed. They want commission feedback on a possible variance to a 10' rear setback on east side so that they can add more parking in the front.

Fred Gunderson, Elite Gymnastics owner, discussed the benefit of the retail. He contacted the surrounding property owners. The neighbors weren't really concerned with the 10' buffer, but

had other questions about lighting, secondary water, garbage, etc. He mentioned the neighbor directly to the east towers higher than the prospective building. Sam stated before completing the design, they would like an indication of the commission's leanings. He then presented a site plan to identify the location of the building, parking, etc. Brandon specified the need for enough parking so that there isn't any parking along the road. Sam identified the retention pond located in between the two entrances. He commented the north side slopes too much to put the retention pond there. Commissioner Boatright wasn't opposed to the variance, but he suggested Fred provide affidavits from the neighbors.

Jay Ralls, 7917 S. Lincoln Lane, asked if the 20' is unique to the zone. Barry stated the buffer zone is required between any commercial property and residential property throughout the city. Jay was mostly concerned about setting a precedent of allowing variances for developers. He asked for consistency.

Mr. Ralls and Commissioner Walton had several questions about the final design. Commissioner Grubb charged the plan is not at the stage to answer more than basic questions. He believed the property owner heard the commission's discussion and will ultimately decide whether to move forward with the project.

7. Planning Commission Comments

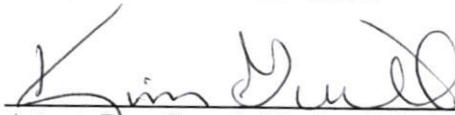
Commissioner Grubb: He wasn't sure he could attend the meetings next week as he has some family issues.

Commissioner Walton: He discussed reviewing and updating ordinances. Commissioner Johnson discussed looking at the landscape ordinance and reviewing what is native to the area. Commissioner Osborne suggested getting the general plan completed and then move on to the city ordinances. Barry requested everyone write down their concerns and submit them to him.

ADJOURNED: Commissioner Grubb moved to adjourn the planning commission meeting at 8:23 p.m. Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.

APPROVED:  Date 8/13/2020
Chairperson: Rob Osborne


Transcriber: Michelle Clark


Attest: Dev Coord: Kimberli Guill

Public Comment

From: Hollie Dance <hollie.dance@gmail.com>
Sent: Thursday, July 9, 2020 3:34 PM
To: Public Comment
Subject: Public Comment for Tonights Planning Commission Meeting

Hi,

As a neighbor that is affected by the traffic to and from La Roca Soccer Practice facility I would like to voice my concern regarding their conditional use permit.

It was stated in previous planning meetings that this was to be used only as a practice facility and that there would never be more than 60 people at the complex at one time.

I would like to see that enforced so they do not continue to have tournaments and events late into the evening and with more than 60 people.

6650 is not safe with that amount of traffic that passes through there and we'd like to see the barricade closing part of 6650 removed and 6650 widened with sidewalks added.

Hollie Dance

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www.HollieDance.com

Public Comment

From: Jordan Skeen <jordanskeen2@gmail.com>
Sent: Tuesday, July 7, 2020 3:15 PM
To: Public Comment
Subject: Planning commission meeting in regards to La Roca Soccer complex

Residents of 286 E Old Maple Road.

My husband and I have recently built in the Old Maple Farms subdivision near the La Roca Soccer complex. During our search to find where we wanted to move, what enticed us with this area was the community. The quietness and ability to raise our kids with similar experiences we had as children, which included playing outside with the neighbors frequently.

During the Pandemic lockdown we noticed a significant decrease in traffic around our home, we couldn't figure it out, but loved it. Once the lock down was over we noticed what the change was. The La Roca soccer complex was back open. Within the first week of them back to open during their practice times our street was not only flooded with an increase in traffic, but unsafe traffic. We counted a minimum of 10 people in one night, continuing through the stop sign on the corner of old maple and silver oak lane, with no intentions of stopping.

In addition to that, we have seen countless speeding problems, especially during the practice hours in the evening. We have yelled at cars driving by to slow down many times only to be ignored and have them speed by and/or blow through the stop sign.

We have noticed people trying to toss things into the dumpsters as they drive by and if they miss, they don't care. They leave the garbage for our neighborhood to pick up the mess.

When we met with builders, looked at planning maps, etc we were told, shown, and under the impression that the temporary barrier on 6650 was just that, temporary. As of now the barrier has yet to come down, even though the road construction on 6650 has finished.

Because of that our "quiet and safe" neighborhood has become a high traffic shortcut for the La Roca soccer complex. We as citizens of the city who help maintain, contribute, and love the area would like nothing more than a solution to the constant problem we are faced with. So that our children, like us, can grow up playing outside with the neighborhood kids without the fear of being hit by a speeding car getting to soccer practice.

Solutions we would be open to include, but are not limited to, speed bumps, no La Roca Traffic, the removal of the "temporary" barrier, etc.

We thank you for your time and hearing our concerns.

Public Comment

From: Skylee Bowden <skylee.bowden@gmail.com>
Sent: Tuesday, July 7, 2020 3:11 PM
To: Public Comment
Subject: Planning commission meeting in regards to La Roca Soccer complex

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My husband and I have recently built in the Old Maple Farms subdivision near the La Roca Soccer complex. During our search to find where we wanted to move, what enticed us with this area was the community. The quietness and ability to raise our kids with similar experiences we had as children, which included playing outside with the neighbors frequently.

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Solutions we would be open to include, but are not limited to, speed bumps, no La Roca Traffic, the removal of the "temporary" barrier, etc.

We thank you for your time and hearing our concerns.

Public Comment

From: sw.tinkerbell@gmail.com
Sent: Monday, July 6, 2020 1:56 PM
To: Public Comment
Subject: Soccer gym

A concern I would like to state is the speeding and traffic on Old Maple Road. Many use it as a short cut to get to the soccer facility. People are frequently speeding through this area when they do use it. Due to the construction multiple families are walking on the side of the road during this time and I don't want anyone to get hit. Thanks!

Summer Newin
6535 S 390 E
South Weber