

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 27 August 2020

**TIME COMMENCED:** 6:15 p.m.

**LOCATION:** Electronic Meeting through Zoom

**PRESENT: COMMISSIONERS:**

Tim Grubb  
Gary Boatright  
Rob Osborne  
Wes Johnson  
Taylor Walton

**CITY ATTORNEY:**

Jayne Blakesley

**CITY PLANNER:**

Barry Burton

**CITY ENGINEER:**

Brandon Jones

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:** Quin Soderquist, Michael Grant, Paul Sturm, Tammy Long, Corinne Johnson, Joseph Cook, Leland Martineau, Fred C. Cox, Enrique de varona, Jeff Eddings.

**1. PLEDGE OF ALLEGIANCE:** Commissioner Johnson

Order on public meetings: read by Commissioner Osborne is as follows:

## **Order on Public Meetings of the South Weber City Planning Commission**

I, Robert Osborne, as the Chair of the South Weber City Planning Commission, do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the *Utah Open and Public Meetings Act*, presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and

3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the *Utah Open and Public Meetings Act*.

NOW THEREFORE, BASED UPON THE FOREGOING,

For thirty days from the date of this Order, meetings of the South Weber City Planning Commission shall be conducted by virtual means without an anchor location.

DATED this 26 day of August 2020.

**2. Public Hearing and Action on Preliminary Site Plan & Improvements for The Lofts at Deer Run (approx. 3.21 acres), located at Approx. 7870 S 2700 E by Developer Joseph M Cook of Deer Run Investments, LLC.**

Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date. Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)

- 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

**Commissioner Johnson moved to open the public hearing for Preliminary Site Plan & Improvements for The Lofts at Deer Run (approx. 3.21 acres), located at Approx. 7870 S 2700 E by Developer Joseph M Cook of Deer Run Investments, LLC. Commissioner Boatright seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

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

**Public Hearing and Action on Preliminary Site Plan & Improvements for The Lofts at Deer Run (approx. 3.21 acres), located at Approx. 7870 S 2700 E by Developer Joseph M Cook of Deer Run Investments, LLC:**

**Michael Grant, 2622 Deer Run Drive**, discussed the citizens parking protest held along 2700 East. He pointed out 2700 East is a vital artery to the city. The 72 units for the Lofts will bring an increase of traffic on this road. Reasons: Traffic, pedestrian traffic, snow removal, Weber Basin Water Conservancy aqua duct project, widening of 2700 East, etc. He discussed the need to widen 2700 East as well as the approximate acreage. He requested to make sure there is enough sewer capacity. He is concerned about where the snow will be removed. He suggested moving the setback.

**Paul Sturm, 2527 Deer Run Drive**, voiced he does not feel citizens had enough time to review the city agenda packet. There are documents he will submit to city. He asked if South Weber City has any recourse if there are parking issues. There is no consideration given for visitors. He pointed out common errors with the drawings. At the city council meeting held on August 25, 2020 he questioned the reason for four iterations of the preliminary plan for this development. He was told it is because the Fire Department and Code Enforcer requested amendments. He requested the city make sure all commercial overlay codes are followed. He feels no variance should be granted for this development.

**Tammy Long, 2178 E. Deer Run Drive**, referenced Utah State Code Title 76 Utah Criminal Code Chapter A Offenses Against the Administration of Government Part 5 Falsification of Official Matters Section 502 for Inconsistent Material Statements. She discussed a person being guilty of a second-degree felony if in any official proceeding makes a false material statement or makes an inconsistent material statement. She opined the first false document was for change of zoning filed by Laurie Gale on July 3, 2017. It was filed in Salt Lake County and not Davis County. She remarked property in the county needs to be filed in the county where it resides. She recommended this item be tabled until the city attorney can negate the original rezoning. She discussed on July 9, 2019 Enrique de Varona was informed the land that CMT Engineer Testing was going to excavate was on sensitive lands. This was also documented in the planning commission meeting minutes of August 20, 2019. The sensitive lands information was readily available in the South Weber City General Plan. He was also informed on July 9, 2019 that the property, at one time, housed a gas station with underground gas tanks. She asked if there will be a requirement for a pump sewer station for all the additional units. She is concerned about overflow issues with the detention pond. This developer has a development in Sunset City that has had similar issues.

**Julie Losee, 2145 E. 8200 S., read by Jeff Eddings, 2645 E. 7800 S.**, Jeff stated Julie is concerned about the discrepancies with the acreage of the property and pointed out there are four parcels on the south side of the canal. Parcel #13-041-0062 is 1.581 acres, Parcel #13-041-0068 is .388 acres, Parcel #13-140-0010 is .51 acres, and Parcel #13-041-0118 is .26 acres. The entire property on the side of the canal is 2.739 acres. The lot north of the canal is Parcel #13-041-0115 and is .31 acres in size. This lot was not included in the original rezoning request for the C-O Zone by former owner Laurie Gale in 2017 and should not be a factor for consideration when determining the total number of units based on acreage for the development. Julie questioned if the plat has been recorded with Davis County because she feels it has an incorrect existing parcel description and acreage calculation. The maximum number of units per South Weber City code for 2.739 acres is 68 units, which is her concern because the developer is requesting 74 units. Julie addressed the lack of parking and feels there shouldn't be any shared parking spaces with the commercial businesses. She is also concerned the developer is proposing units under 1,000 sq. feet and compared them to the size of the Cambridge Crossing apartments located in South Weber. She understands The Lofts are supposed to be a step up from apartments and an option for first time home buyers. She questioned if the developer has a day care provider that is weighing in on the design for the day care location. She also questions the timing of when the traffic studies were done and the actual impacts to 2700 East and South Weber Drive, given that both studies were not conducted when school at the local charter school and elementary school were in session. She discussed her concern for safety for future residents and existing neighboring homeowners when it comes to buffer yard zoning or retaining wall requirements. She opined the building design is visually unappealing and suggested more architectural styling.

**Jeff Eddings, 2645 E. 7800 S.**, adamantly opposes this development. He does not feel 2700 East is wide enough to handle the increased traffic the development will bring. The detention basin is proposed to be located right next to his home. He is concerned about the water being stored in the underground storage and the possibility of it leaking into his basement. He is concerned about heavy snow pack and heavy rain and the basin fills up and what happens when it can't drain. He asked if there is a code for the setback for the basin and is it going to be used as a park. He is concerned about individuals parking in front of his home and light noise.

**Corinne Johnson, 8020 S. 2500 E.**, appreciates the opportunity to make public comment. She requested the planning commission deny this development. She is concerned about the variance request. She suggested the developer put together a plan that meets city code. She commented Sunset Development LLC is delinquent with the Utah Department of Commerce and requested the city attorney look into this.

Kim pointed out several **Public Comment Emails** were received and will be attached to the minutes. They are as follows:

- Michael Grant, 2622 Deer Run Drive South Weber, UT
- Cory & Tonya Mackintosh, 2610 Deer Run Drive, South Weber, UT
- Paul Sturm, 2527 Deer Run Drive, South Weber, UT
- Bart & Emily Boren, 7989 S. 2625 E., South Weber, UT
- Beth Clemenger, 2384 Deer Run Drive, South Weber, UT
- Ron & Jan Massie, 2569 E. 7870 S., South Weber, UT
- Mindi Smith, 2440 E. 8300 S., South Weber, UT
- Julie Losee, 2541 E. 8200 S., South Weber, UT
- Amy Mitchell, 1923 Deer Run Drive, South Weber, UT
- Natalie Browning,
- Keith & Alyson Maw, 7913 S. 2600 E., South Weber UT
- Brandyn Bodily, 2408 E. 8240 S., South Weber, UT
- Ember Davis, 7362 S. 2050 E., South Weber, UT

**Commissioner Walton moved to close the public hearing for Preliminary Site Plan & Improvements for The Lofts at Deer Run (approx. 3.21 acres), located at Approx. 7870 S 2700 E by Developer Joseph M Cook of Deer Run Investments, LLC. Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

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

**Joseph M. Cook, of Deer Run Investments, LLC.** appreciates the time spent on this project as there have been several professionals review it. There have been two different traffic studies, a geotechnical study, etc. The city staff has been great to work with. There have been at least four or five iterations. He discussed Facebook comments and emails sent to the city that they have reviewed concerning citizens stating the city has been “hoodwinked”. He opined this in inappropriate as they were not involved in the rezone of this property. He expressed he is totally unassociated with Laurie Gale, and he is not in cahoots with city government. They acquired the property years after it was rezoned. He pointed out this development is not affordable housing but will be condominiums that will be owner occupied. The city engineer and city planner have recommended this project be approved.

Joseph addressed concerns from public comments and remarked the number of parking spaces were agreed to in the development agreement and follows the city code. He pointed out they are paying sewer impact fees. He does not think the aqua duct will affect this development. He voiced it is inappropriate for a citizen to accuse his associate of a felony. There will be no lift station.

Joseph discussed the survey and stated it can and should be recorded. He explained when the property was purchased, the legal descriptions on the deed identified the large parcel on the south side of the canal is 2.74 acres and the small parcel on the north side of the canal is .26 acres, but when it was surveyed the large parcel came in at 2.914 acres. They originally proposed 76 condominiums on this property and following discussion with the city council, it was discovered that the small parcel on the south side of the canal is not zoned in the C-O Zone. As a result, the number of units was reduced from 76 units to 72 units. He reassured everyone the survey will be recorded.

Joseph conveyed there is a lot of misinformation out there concerning the parking. They have two parking spaces for each unit, which is assigned during the day, but the occupant has access to two parking spaces all night. There are 144 total residential parking spaces with 164 total parking spaces. The commercial requires 54 parking spaces. During daytime hours the parking will be shared with commercial. This has been defined in the development agreement.

Joseph addressed the citizen's concern with this development being approved under false pretenses, which he conveyed it has not. He discussed the issue with the variance and it being part of the development code, as not every piece of land fits in perfectly with the letter of the law on paper. He isn't trying to change the code for the use but change the landscaping issue. The code required a 6' masonry wall on the property line. They already have planned a retaining wall which is 18' from the property line and are requesting putting landscaping as a buffer. He feels this is a benefit to the neighbor to break up the view of the large retaining wall. There are only two residential lots that buffer the southern end and are adjacent to this property. If the masonry wall is on the property line, there are concerns with what can take place in the area between the masonry wall and retaining wall. There is 24% green space landscaping, which is more than the city code requirement. The survey will be recorded and is what governs. There have been two different traffic studies which have satisfied the city staff.

**Leland Martineau, developer's engineer**, stated the detention basin will be lined and seepage will be prevented. Joseph discussed the aesthetics and public comments that have been made. He is proposing improving the aesthetics, but he was told by the city that they should be earth tones. He is willing to work on the back of the buildings as well. He is willing to work with the city on the colors. He pointed out Barry Burton did conduct an architectural review.

**Fred Cox, architect for the project**, discussed the lighting studies. The city has been careful in making sure there isn't any light noise. He is willing to work with the city concerning the color of the building. He discussed the detention pond acting as a shock absorber for storms. They will add liners to ensure no ground water travels to the neighbor.

**Enrique de Varona, developer**, assured everyone that they have met city code and tried to do the best they can. Leland discussed the landscape plan which shows a visual of the retaining wall. The variance application details what the developer is requesting.

Barry Burton, South Weber City Planner, referenced his review of 18 August 2020 and feels the developer is in compliant with the zoning.

**Zone Compliance:**

**PL1.** The C-O zone allows up to 25 dwelling units per acre. The proposed 72 units meet this restriction.

**PL2.** There is no specified amount of commercial floor area required by the code, however, there is a development agreement in place that requires at least 27,000 square feet. There are 32,400 square feet of commercial floor space in the plans.

**PL3.** There are no specific lot requirements.

**PL4.** There is a maximum front setback of 10' which this plan meets.

**PL5.** The only other setback requirement is that there be a minimum of 20' from a structure to a neighboring residential zone. This requirement has been met.

**PL6.** Parking requirements have been addressed in the approved development agreement with 164 stalls required. This requirement has been met. The layout and size of parking stalls meets ordinance requirements.

**PL7.** Architectural/Site Plan review by the Planning Commission is required for this project as specified in the C-O zone. According to Title 10, Chapter 12 of the City Code; the Planning Commission "shall determine if the proposed architectural and development plans submitted are consistent with this Chapter (Chapter 12) and with the purposes and objectives of this Title (Title 10)". This can be done simultaneously with the Conditional Use review. I believe all architectural requirements have been met. (See PL9)

**PL8.** The C-O zone allows a maximum building height of 3-1/2 stories or 50'. All structures are under the 50' height restriction. You will see that Building 1, the south eastern most building, has 4 floors. This was a factor of much debate among the staff and developers. It was argued by developers that the bottom floor of that building is a basement. Initially, Buildings 1 and 2 were one building and at that time the bottom floor clearly did not meet the definition of a basement. Developers subsequently split the building in two. Once that became the case, only Building 1 had 4 floors. Building 2 has only three floors. Staff then had to concede that the bottom floor of Building 1 now meets the definition of a basement; therefore, the building is technically only three stories and meets the height restriction.

**PL9.** There are Special Provisions and Limitations in Section 10-5N-11 of the code. I will list each of those provisions with an opinion as to whether it has been met. Some of this is subjective, opinion of the observer, other parts are clearly objective.

Barry understands there are some special provisions in Section 5, 10, & 11 of the city code which are subjective. The following are requirements of Section 10-5N-11:

*1. Wherever practical, buildings shall incorporate arcades, roofs, alcoves, porticoes, and awnings that protect pedestrians from the rain and sun.*

There are balconies on the floor above each street side entry that provide shelter.

*2. Trash storage areas, mechanical equipment, transformers, meters, and similar devices are not permitted to be visible from the street. Where site constraints would otherwise force these uses into visible locations, they shall be screened by decorative walls, earthen berms, landscaping or architectural treatments capable of screening views from streets and sidewalks. If in rooftop locations, mechanical equipment shall be screened by roof components, parapets, cornices, or other architectural features.*

None of these facilities are visible from the street as far as I can determine. There are no indications in the drawings of mechanical equipment. Dumpsters are all located within enclosures.

*3. There shall be no outside storage of materials or equipment, other than motor vehicles licensed for street use except as specifically approved by the planning commission in conjunction with a conditional use application.*

No outside storage is shown on the plans.

*4. Outdoor dining, seating, signage, and sales can be approved in conjunction with a conditional use application. Outdoor uses shall not be materially detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the immediate vicinity of the use. The use shall be placed so as not to disrupt the traffic flow of vehicles or pedestrians into or on the site. Planning commission can at their discretion, place time limits on outdoor dining, seating, and signage based on intensity of use, and the impacts the use may pose to the development.*

The only outdoor seating would be on the balconies of residential units which cause no traffic flow disruption.

*5. Primary building orientation shall be toward the street. Buildings that are open to the public and are within thirty feet (30') of the street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functional, be a distinctive and prominent element of the architectural design and shall be open to the public during all business hours.*

All commercial space is within 30' of the street. While not exceptionally so, I believe the entrances are distinctive enough to function.

*6. Buildings shall incorporate exterior lighting and changes in mass, surface, or finish giving emphasis to entrances.*

Each commercial entrance has a light and a significant amount of glass that gives emphasis.

*7. Buildings shall provide a clear visual division between all floors. The top floor of any building shall contain a distinctive finish, consisting of a roof, cornice or other architectural termination.*

Bottom floor commercial areas are clearly distinguished by different materials from residential floors. Residential floors are adequately distinguished via balconies and window placement. There are cornices that provide interest and a varied roof height.

*8. The facade of every residential floor greater than thirty (30) linear feet with street frontage shall incorporate features designed to provide human scale and visual interest. Compliance can be achieved through balconies, alcoves, or wall segments that create at least a two-foot (2') variation in plane for at least ten (10) linear feet within each thirty-foot (30') segment of facade.*

There are regular jogs in the exterior walls that break up the façade into segments smaller than 30'. There are also balconies that add human scale and interest on all residential units.

*9. In paseos, plazas, and courtyards, lighting shall incorporate fixtures and standards designed for pedestrian areas.*

There are no paseos, plazas or courtyards.

*10. All new utility transmission lines shall be placed underground where feasible, or behind structures to minimize visual impact.*

There are no new utility transmission lines. All interior utilities are underground.

*10-5N-11 B*

*Ground Floor Requirements: At least seventy five percent (75%) of the linear frontage of any ground floor, nonresidential wall with street frontage shall incorporate windows, doors, or display windows. Ground floor retail windows must remain free of signs and must not be tinted.*

At least 75% of the linear frontage of ground floor commercial space incorporates windows. We won't know of tinting until building permits are requested. No signs are planned in windows, but this will be an ongoing enforcement issue for temporary signs.

*10-5N-11 C*

*First Floor Requirements: Multi-story buildings shall have the first floors with a minimum ceiling height of twelve feet (12'). Multi-story buildings designed for nonresidential uses on the first floor shall have walls, partitions, and floor/ceiling assemblies separating dwelling units from other spaces with a sound transmission classification (STC) of at least fifty (50) for airborne noise.*

First floors have 12' ceiling height. Sound transmission classification of commercial space will need to be determined when building permit applications are received.

*10-5N-11 D*

*Accessory Living Quarters: Where accessory living quarters are provided as permitted herein, no window shall be permitted in any wall of the same which is located within eight feet (8') of a side property line.*

There are no residential unit windows within 8' of any property line.

*10.5N.12*

*Landscaping Requirements A. General Landscaping: At least fifteen percent (15%) of the total site shall be thoroughly landscaped, including an irrigation system to maintain such landscaping. Drought resistant plants are encouraged. Landscaping shall meet the requirements of SWM 10.15. 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 site contains 24% landscaping and it meets the requirements of 10-15.

*B. Buffer Yard Landscaping: Buffer yard C landscaping shall be required between the CO zone and all residential and agricultural zones and shall meet the requirements of SWMC 10.15.*

A buffer yard is required on the southwest sides from Deer Run Drive to the canal. The required buffer yard is provided along the first 351' from Deer Run. At that point, the grade has fallen sufficiently that a retaining wall is required to retain the parking lot along the rest of that southwest side. Because the retaining wall varies from 6' in height to about 14'. Developers are requesting that the retaining wall be allowed to take the place of the required 6' masonry wall. The retaining wall is set back from the property line about 18'. This 18' would be planted with the required buffer yard trees which will help screen the retaining wall and parking from the adjacent residential lot. At the top of the retaining wall is a 42" fence that will provide further screening for the parking area. Also, between the retaining wall and the parking lot is a 2.5' planter which together with the 18' planter below the retaining wall creates a total of 20.5' of planter along this property line.

Developers have submitted a letter requesting a variance from the buffer yard requirement by allowing the retaining wall to take the place of the required 6' masonry wall in this area. I believe this variance should be allowed as a wall on the property line in this area would not accomplish the purpose of the buffer yard, but the retaining wall together with the proposed plantings does.

*C. Street Trees: Street trees shall be required and meet the requirements of SWMC 10.150.060D, "Park Strip Trees".*

The required park strip trees are included on the landscape plans.

**Conditional Use:**

**PL10.** A review of the requirements of Section 10-7-3, Basis for Issuance, indicates that all these conditions have been met with one that is subject to opinion. The one that is subject to opinion is 10-7-3 D (5).

*5. Parking facilities shall be effectively screened from adjacent residential properties.*

I believe the intent of this requirement is met through the proposed retaining wall together with the 42" fence at the top of the wall and with the buffer yard plantings.

**PL11.** There are also Special Requirements and Conditions found in Section 10-7-10. These requirements are very subjective in nature. I believe the proposal meets these requirements.

**PL12.** Daycare centers are a conditional use in the C-O zone. The intended use of the commercial space in Building 1 is to house a daycare center. We have reviewed the proposed development with that in mind and have considered the potential impacts/needs of a daycare use, but the operator of such daycare center will need to apply for and receive a separate conditional use permit prior to operating the center. Other potential uses of the commercial space may require individual conditional use approvals if they are listed as such in the zone.

**Project Plans:**

**PL13.** There is a plan for phasing of the buildings within the development. Plans indicate they will be phasing the parking and utilities proportionate to the phase, but there is no indication of how landscaping will be phased. Also, there is a detention basin north of the canal that is part of the project and will be landscaped.

We should require the landscaping be installed as far as reasonable with each phase. The landscaping of the detention basin should be done as part of Phase 1.

**Recommendation:**

**PL14.** This 4th iteration of the Preliminary Plan meets all zoning ordinance requirements except for the buffer yard requirement. Developers have submitted a request for a variance from those requirements for cause. I believe there is good reason to grant the variance as explained in PL10 10.5N.12 B above. I advise the Planning Commission to approve the preliminary plan with the following conditions:

1. The Planning Commission recommends, and the City Council grants the requested variance to the buffer yard requirements.
2. Developers are required to landscape the detention basin north of the canal as part of Phase 1 of the development.
3. Landscape installation proceed in conjunction with each phase.

Barry discussed the provisions that were established with the C-O Zone. Commissioner Walton asked if the developer will be accommodating those. Barry explained the planning commission needs to determine if the developer meets those provisions.

Discussion took place regarding Chapter 8 with parking requirements. Barry explained the development agreement addresses the parking being open during the evening hours for residents to use. Although this all started before COVID began and he isn't sure what to do in the meantime. Commissioner Osborne assumes 164 parking stalls will be available all year long and if not, what is the developer going to do with the snow. Joseph pointed out there is space along the canal to push snow and it will not be pushed on parking spaces. Commissioner Walton asked for explanation on the Chapter 8. Barry explained the number of spaces required for commercial space would have pushed the number of parking spaces much higher, if there wasn't any shared parking. Commissioner Boatright is concerned about the reality of COVID and how it will relate to parking with more residents working at home. He understands there is a development agreement but expressed the world has changed dramatically since then.

Commissioner Grubb reviewed the plans and discussed the possibility of the day care housing 154 students, which creates a traffic issue. He is also concerned about the movement of traffic. Commissioner Johnson reviewed the State code for the day care (Section 381-100-10). He pointed out parking requirements for employees for that day care center. Commissioner Grubb discussed the high amount of traffic with the charter school and where is the drop off for this day care. He stated the frontage road can handle a lot of traffic, but it can't handle a lot of traffic slow

down with individuals getting in and out of this development. He doesn't see anything that addresses the volume of 154 students and 20 employees.

Fred Cox explained the day care center varying check in and check out times and feels they did take into account the number of parking spaces. He understands there is a certain amount of turn over. The hours and timing is controlled. Commissioner Johnson feels there is insufficient parking right now.

Leland Martineau reviewed the traffic study. Commissioner Boatright remarked the type of commercial businesses may or may not affect the amount of traffic as well. Commissioner Osborne doesn't feel this development has the parking capacity for the number of residents and commercial businesses. Commissioner Grubb discussed getting in and out of the parking area is a great concern. Commissioner Osborne relayed a commercial development as per city code requires a 36' wide entrance and exit. Joseph pointed out two traffic studies evaluated this and both of them don't suggest a turn lane. Leland referenced the traffic study and the peak hour volume of traffic and egress happening on the north entrance. Commissioner Osborne disagrees with the traffic study. Leland explained the flow within the development as per the traffic study. Fred referenced the development agreement that was signed last year states two entrances at 26' wide. He feels they have met the city staff requirements. He feels Appendix D could legally be challenged. Commissioner Osborne appreciates what Fred is saying, but the planning commission is saying it should be 36'.

Commissioner Johnson referenced Brandon Jones review of 20 August 2020 item v. 10-8-2C.1 Access which states: *The Development is providing two entrances that are 26' in width. However, in commercial zones, the Planning Commission may require the said driveways to be 36' in width.* Fred expressed he understands this statement, but the development agreement states two entrances at 26' wide.

Brandon Jones, City Engineer, expressed he disagrees with Fred because his interpretation of everything on the drawing of Exhibit B is written in stone, and he does not see it that way. Brandon doesn't think the 26' wide entrances, addressed in the development agreement, trumps what the planning commission may require if it is different. Brandon referenced the development agreement Item #2 which states,

Development Agreement for the Lofts at Deer Run in South Weber City:

Item #2. **City Laws and Purpose.** *City determines that the provisions of this Agreement relating to establishment of Developer's rights and obligations are consistent with City laws, including City's land use ordinances, the purposes set forth in the zoning district, and the City's General Plan. This Agreement is adopted by a City ordinance as a legislative act and hereby amends the City laws only to the extent within the authority of City and only to the extent necessary to give Developer the effect of the rights and obligations of this Agreement where such City laws may be inconsistent with this Agreement's intent.*

Brandon reference Item #3 which states, *Approval will be based on substantial compliance with Exhibit B.* He interprets Exhibit B as an overall layout and not binding because if it is then the building configurations are problematic.

Jayne Blakesley, City Attorney, expressed he reads the development agreement the same way Brandon does. Exhibit B is a concept plan and not set in stone. He thinks for the ingress/egress and the width thereof, you default. Joseph questioned the 36' width. Commissioner Grubb explained the 36' will help eliminate pinch points so that traffic can continue to flow. He pointed out a center turn lane can help the flow of traffic on the frontage road.

Commissioner Walton expressed he is not comfortable with the site plan because when the day care center requests a conditional use permit, there may not be enough capacity within the actual development site. J

Joseph discussed his frustration because he has been dealing with this for over a year and he understands the residents don't want commercial as per the Facebook posts, and the planning commission has concerns with traffic. He isn't sure where to go from here and should they eliminate the commercial. Commissioner Grubb stated he has been dealing with this plan for six days. Fred stated if the 36' is so important, there is a little bit of room on the north entrance.

Commissioner Boatright suggested allowing the planning commission more time to review the information. Enrique discussed his frustration with the planning commission needing more time and the expense they have incurred at this point. Commissioner Boatright discussed the need to be able to thoroughly review this information because he doesn't want to miss anything.

Commissioner Osborne asked if the developer can provide better renderings (possibly 3D). It was decided the next meeting will be held on 2 September 2020 at 6:00 p.m.

**Commissioner Boatright moved to table the Preliminary Site Plan & Improvements for The Lofts at Deer Run (approx. 3.21 acres), located at Approx. 7870 S 2700 E by Developer Joseph M Cook of Deer Run Investments, LLC. Commissioner Johnson seconded the motion. Commissioners Boatright, Osborne, Walton, and Johnson voted aye. Commissioner Grubb and Walton voted no. The motion carried 3 to 2.**

Commissioner Johnson asked Jayme if the city was offered that piece of property by UDOT. Jayme will research.

### **REPORTS:**

#### **3. Planning Commission Comments (Boatright, Grubb, Johnson, Osborne, Walton)**

**Commissioner Walton:** He asked about the public meeting comments made earlier by Commissioner Osborne. Jayme explained Governor Herbert's executive order issued in March which allows municipalities to meet through electronic means. Commissioner Walton discussed his frustrations with Zoom meetings. He asked if there is an appetite to meet at the City Hall. Barry explained the city council has gone back to meet at City Hall. Commissioner Osborne suggested re-evaluating the situation in the next 30 days.

**ADJOURNED: Commissioner Walton on moved to adjourn the Planning Commission meeting at 8:45 p.m. Commissioner Johnson seconded the motion. Commissioners Boatright, Grubb, Osborne, Walton, and Johnson voted aye. The motion carried.**

**APPROVED:** Rob Osborne Date 27 AUG 2020  
Chairperson: Rob Osborne

Michelle Clark  
Transcriber: Michelle Clark

Kimberli Guill  
Attest: Development Coordinator, Kimberli Guill

**From:** [Alyson Maw](#)  
**To:** [Public Comment](#)  
**Subject:** Preliminary Site Plan for The Lofts at Deer Run  
**Date:** Thursday, August 27, 2020 2:41:05 PM

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Keith and Alyson Maw

7913 S 2600 E, South Weber, UT 84405

We have concerns about this Development.

1- Ecological Ground Study to ensure that the ground is sturdy and stable for building a Retaining Wall, parking and the buildings required for this development. This needs to be shared with those living within the 300 foot radius of the development. Has there been a recent Ground Study on the property?

2- Show the plans for the ability to have parking for 148 cars, which is 2 cars per family, with extra room for visitors to park.

3- Weber/Davis Canal company will be building a fence to protect the residents and their children from the canal. Living right by the canal can be dangerous.

4- The visual acceptance of the style of the development. My understanding, it looks like the ones being built in Clearfield City on main, across from their city building. Looks more like a business, than a condo or residential building.

5- Keeping the noise, and dust level down during the construction of this development.

Our vote for my husband and myself, is we would rather NOT have condos across the canal from our property. However, I also feel that the city already made their bed accepting the changes and development back in 2017.

Alyson and Keith Maw

--

Alyson Maw / Realtor

801-791-7253

Utah Prestige Real Estate, LLC

[www.mawshomes.com](http://www.mawshomes.com)

"Trust me to Find your way Home"

Amy Mitchell

1923 Deer Run Drive

Dear Mayor, City Council Members and Planning Commission-

I am writing in reference to the special meeting with regards to the Lofts.

I can't believe we are finally getting to see what they have come up with. I opened up the packet expecting something amazing for how long it took and all I wanted to say was... blah! I will get to the aesthetics later... but for now, let's address the glaring obvious... the parking! This development has inadequate parking to say the least! If these are only allowing 74 designated spaces, 1 per unit and 90 shared parking for residents and commercial, how on earth will they ever have enough room during this time when so many of us are working from home and not going into the office? When this was presented in the beginning people were going to work and leaving home every day. Now many people are doing everything at home. How will the shared parking work then? We have no on street parking along 2700, so that leaves people parking along other residential roads. Home owners who live on these roads should expect that they can keep the parking in front of their own homes for their own cars and not all of their new neighbors. When the snow falls, where will they park and where will all of the snow go? What about the employee parking for the commercial? I would like to know where guests will park, or what about if they are renting out space to 3 or more adults, so now there is even more cars to deal with. So many parking issues that don't seem to be addressed effectively in the plans.

I know that this developer is asking for a variance for a retaining wall to allow for the parking lot. I ask you to please tell them to come back with a plan that actually meets our city code with no variances of any kind! It is our only way to bring this development in to something we can tolerate. As a citizen who has listened to countless hours of meetings, I beg of you to please fulfill your promise that you will do everything you can to help give the residents of our city the very best. We have been told that there is no way to try to fix the mistake made by agreeing to the zoning change, but I disagree. We have heard repeatedly that you were "hoodwinked". Let's move past this and expect more! Let's hold him to every single thing we can so he has to change his development to fit our code, not change our code to fit his development. He knew how steep the slope in this property was prior to purchasing it. We can't change his bad purchase and we don't have to suffer for it. It's time we stand up to developers and make them develop the way we want for our city. They do their development and then move on, we have to live with what they have left behind. I understand that there is a HOA at his other property in Sunset. Doing a simple Facebook search brought up some issues that they have with their parking. Someone posted:

"There is nothing the HOA is willing to do regarding tenants' visitor parking. Tenants will feign ignorance/mistake when their visitors take your parking. It is assigned parking, but instead of giving up their own parking spot they'll gladly use whoevers spot is open then have the audacity to yell at you. There is no recourse for you as a tenant. The police can't do anything because it's private property. Property managers can't do anything because their only concern is the townhome. HOA is useless. They don't answer their phone, text messages go unanswered. "

This will be the same problems here in our city and if he just walks away, then it is up to our code enforcement to take care of these issues when people park on the road, which means an added expense to us!

They have dedicated a huge amount of space for a daycare, but I don't see much outdoor space for it. The State of Utah requires a certain amount of outdoor space as well as who can live close to a daycare. Do they have a process in place to screen those that are purchasing a condo there? And who do we think will buy a 700 square foot condo? Can we not encourage him to double the size of the townhouses and make something really nice? What is their contingency plan if the daycare doesn't come or if after a year they find that commercial can't survive there? We certainly do not want it to sit empty and become a blight or add in more housing where the commercial was supposed to go.

As we send the developer back to the drawing board... we need to help them to know how they can improve on the style! What they gave us was just plain! I ask you to push them to make the buildings look better and inviting. I am including some options of buildings that I think would at the very least look good! The Lofts at Deer Run rendition reminds me of the Aero buildings on Hillfield road just before Northridge. They are all exactly the same with no character and they have a lot that are empty still! If this development is going to be on the frontage road and be something to draw in customers to the commercial and buyers for the condos, let's have it look the very best we can! Let's give all those neighbors that are losing their beautiful view something that isn't horrible! I think adding the country charm we have come to love and expect in South Weber should be something we expect these developers to adhere to. Again, thanks to Google... here are some amazing 3 story projects that I think could give some ideas as to how to change their plan just a little to make it pleasing to the eye for not just the residents in the lofts, but also all of us who have to look at it while we live here. We should ask for something that fits our city!



Balcony's and awnings to define spaces, crisp clean white, painted cement board or some way to define space. We should ask for courtyards for people to be outside. It might even bring in a food place to the commercial. Maybe each building can look slightly different than the other ones. These are just a few pictures I found in looking for a couple minutes. With the right architect, the possibilities are endless and we need to require them to not just meet our code, but give us something that doesn't look like a cell block or college dorms! It's obvious that this developer is just after making as much money as possible so he can move on to



the next project. We have to live with what's left behind, so just like with the Stephens's property... send him back to the drawing board as many times as it takes to get it right!



I can't imagine the task you all have with this project!!

Please take your time. We don't need to rush through this and let mistakes continue to happen. Know that citizens stand behind you and we want you to say no to the variance, no to the look of it, no to the parking. You are our first line of defense in asking for more! He is just after a financial gain, while we are seeking life long residents and not something with a high turn-over!

Sincerely,

Amy Mitchell

**From:** [Bart Boren](#)  
**To:** [Public Comment](#)  
**Subject:** LOFT development  
**Date:** Thursday, August 27, 2020 7:29:44 AM

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Dear Planning Commission,

I would like to take the opportunity to voice my opinion in the Lofts development. I can passionately say that I am opposed to the development, it is too big for the space and will be a black eye on the community. With that being said, the Lofts development has already recieved many variances just to be able to get it to the point that it is at now. Please as a representative of the residents of South Weber, please do not continue to hand over variances to a development that the people do NOT want in their community. This does not need to turn into a variance eye sore/ nightmare. You have the chance to make a difference and require that they meet the codes of our city, as we residents have, and give us a plan that fits our city. Or not at all...

I was at the initial meeting where they asked to have the zoning changed. I spoke, personally with Lori and she assured me, promised me, that there was not ANY plans for HDH. As a citizen who believed in the system and believed in the word of a fellow human being, I feel like we recieved a slap in the face with this development, or as we have labeled it 'Hood Winked'. PLEASE I implore you, do not continue to be pressured to put this through. They played dirty to get it here, let's make them clean it up.

I request that this email be entered into the minutes, as public comment.

Thank you for your time,

Sincerely,

Emily Boren  
7989 S 2625 E

**From:** [Beth Clemenger](#)  
**To:** [Public Comment](#)  
**Subject:** FW: Meeting for Lofts Proposal/Public Comment  
**Date:** Thursday, August 27, 2020 6:55:07 AM

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Please submit this letter for public comment. Thank you. Beth Clemenger 2384 Deer Run Drive South Weber Utah 84405

Sent from [Mail](#) for Windows 10

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**From:** [Beth Clemenger](#)  
**Sent:** Wednesday, August 26, 2020 6:46 PM  
**To:** [gboatright@southwebercity.com](mailto:gboatright@southwebercity.com); [tgrubb@southwebercity.com](mailto:tgrubb@southwebercity.com); [wjohnson@southwebercity.com](mailto:wjohnson@southwebercity.com); [twalton@southwebercity.com](mailto:twalton@southwebercity.com); [ROSBORNE@southwebercity.com](mailto:ROSBORNE@southwebercity.com)  
**Subject:** Meeting for Lofts Proposal/Public Comment

Dear Planning Commissioners,

We moved to South Weber 2384 Deer Run Drive, in 2017, as we fell in love with the quiet rural feel and mountain views. My husband works at Hill AFB and I work at HighMark Charter school. We recreate at Snow Basin and the surrounding area. We were completely in shock when we discovered the Lofts development that was being put in at the end of Deer Run Drive. **Our property is directly next to the canal**, we are worried about a breach if the canal is compromised during building of this complex. We purchased our home on Deer Run and in just the three years we have lived here we have already noticed an uptick in the cars in our quiet residential neighborhood. We are very disappointed that such a apartment complex is going in and extremely worried about how it will impact our neighborhood, our property, and destroy the wonderful mountain views of our neighbors who will now live **BEHIND** this complex. These are our concerns:

Increase in traffic on the frontage road toward Maverick.  
Transient individuals moving in and out of the apartments.  
Loss of view for the homes on the east end of Deer Run Drive  
Congestion on the frontage road, increased wait time to get to I89  
Size of the parking lot and the increase noise to neighbors nearby  
Retention issues of the land plot, unstable slope questions  
Impact on the canal (retention) issues due to sensitive nature of the land  
Safety of children that are trying to walk or bike to school at HighMark  
The size and number of units proposed on this size of property  
Cosmetic presentation of the apartments does not distract from the **beauty of the mountains this complex will BLOCK**  
**Expect that all codes are MET and NO Variances allowed**

We are **very disappointed** as new home homeowners and residents to South Weber that this type of complex was even allowed to come to fruition. It will diminish the value of our homes, detract from the beauty of our neighborhood, endanger children, and bring a "transient" population with increased crime to our quiet and SAFE residential neighborhood. **Please submit our concerns as**

**PUBLIC COMMENT.**

Thank you, Beth Clemenger  
2384 Deer Run Drive  
South Weber, Utah 84405

Sent from [Mail](#) for Windows 10

**From:** [Brandyn](#)  
**To:** [Jo Sjoblom](#); [Wayne Winsor](#); [Angie Petty](#); [Quin Soderquist](#); [Hayley Alberts](#); [Blair Halverson](#); [Robert Osborne](#); [Gary Boatright Jr.](#); [Tim Grubb](#); [Wes Johnson](#); [Taylor Walton](#); [David J. Larson](#); [Public Comment](#)  
**Subject:** The Lofts Site Plan and Special Meeting concerns - Table consideration until better City and citizen review  
**Date:** Thursday, August 27, 2020 2:23:03 PM

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Mayor, City Council, and Planning Commission,

Please table the Lofts approval in the special meeting scheduled tonight allowing adequate time for a thorough review of the 460+ proposal!

The city already did the city and residents the mistake of previously racing through and signing the developer agreement in 2019 with very little citizen knowledge, time to share public comments after reviewing it, and transparency of the many concerning commitments, errors, and guarantees given in the agreement. This 460+ page document the City should absolutely allow City leaders and citizens adequate time to review and comment on to mitigate as much costly and long term issues that could be anticipated in this developer written proposal for their financial gain.

With only 6 days that it has been posted, and I believe was very likely strategically scheduled for a special meeting during Back to School week when many citizens or city leaders are preoccupied and limited in their time and obligations to go page by page through the many significant and important details. The City Council, Planning Commission and citizens need time to review the variances, possible conflicts of interest, and developer written exceptions being proposed. Additionally, please hold the developer strictly to all of the city codes and restrictions with no additional exceptions or variations as this development is already at maximum high density that is in vast contrast from all the other surrounding residential properties and knew the limitations and challenges this property would present.

With the average number of vehicles per household, guests, commercial space with parking for employees and customers especially during winter with little to no green space to hold snow will further limit parking when there is already far too few parking and green space to what is logical and reasonable without having never ending parking, safety, and traffic concerns with an estimated "1,730 daily trips" or vehicles each day according to their traffic study, making left hand turns from two entrance/exits in a very short distance to one another onto the already narrow road obstructing the flow of traffic among other possible concerns.

We firmly feel after hours of reviewing audio and city records that Laurie Gale was deceptive in public meetings that we understand has legal standing in presenting this development originally as "a Daycare" rather than a huge high density complex with a daycare business possibly within a suite of the development. The City allowed the rezone with consideration based on the pretense of a Daycare and many leaders have expressed concerns publically being "hoodwinked" and tricked into this rezone. While the City had a stronger legal standing before the property was sold to the developer and before the City signed a poorly written agreement with very little transparency and awareness to citizens in 2019, we understand the City is now bound by what is code and limited ability to improve the huge wall of a building and very frequent high traffic that will be constantly making left hand turns crossing traffic around what will become two very limited visibility driveways. Please firmly hold the developer strictly to all the existing City codes with no exceptions or variations just to add even greater financial gain or savings to the developer with only negative impacts and little to no benefits to surrounding residence or community. Please also reference the Sunset City dispute online with the developer trying to force through an unapproved sewer lift that becomes costly to citizens and the city later, and if I recall correctly, the dispute was because the sewer lift was added without Sunset City knowledge or prior approval. Please ensure we are not stuck with similar burdens and issues the City, residents, homeowners association, or neighborhood is burdened with that can be foreseen.

I am one who is not anti-development, but very much for wise development that makes sense. This development, unlike the Patio homes and townhomes up the street that had little to no resistance, simply does not compliment the surrounding residential community and these developments should

be built on lots with better multi-street access into the property and not on a hillside. Maximizing the very highest financial gain for the developer should not be our City's responsibility or primary concern. Please also verify that the acreage has been verified to the number of units allowable, excluding the north lot that is divided from the property by canal and therefore should not be considered in greenspace, parking, or number of unit calculations. Just as a homeowner cannot purchase a lot on the other side of their neighbor that would not give them rights to have horse, livestock, or larger building than their single, undivided lot allows or this shall set precedence for homeowners and future developers. I am so glad I do not live directly next to this property and so sorry for those long term neighbors who will now have a towering 3 story tall buildings looking down into and placing an indefinitely shadow, noise, lack of privacy, and blocking former mountain views from their backyards.

Living up the road my greatest concerns personally are the traffic safety, eyesore, and the property being next to a loud highway with bad parking and green space will increase the turnover and in a short number of years will become rundown with a notable increase in crime and transient residents. I do not believe I have ever heard any developer not say almost verbatim to cities, just as this developer did last year, "we are building a high quality development" suggesting unlike every other developer. Please consider the immediate surrounding property owners rights and neighborhoods that will be negatively impacted by this development with limited access from road, safety concerns with left hand turns around limited view corner, how large delivery, construction, and moving trucks will be able to navigate and access the property without illegally crossing the double yellow line and impeding oncoming traffic safety or flow navigating down into the property. The lack of reasonable green space solely so for the developer's financial gain to grossly maximize the very highest number of units possible. Hopefully improvements to the city code will no longer be allowable within South Weber City. This development size on what we can anticipate based on historical slopes and landslides through Layton to Washington Terraces should be considered for this odd development that would be more appropriate with better street access on relatively flat property. Retention and other structures should be kept to existing environmental and other noted restrictions. The well-established developer purchased this property knowing the high financial return they will gain from 70 or so units but also clearly knowing the odd shape and steep hillside with limited access this property will require or limit for development. The city should not allow exceptions to it's codes or conditional use for any claimed hardship or variations to hillside retention, sewer lifts, parking, retention, or other reasons that this developer had legal consideration and reasonable expectation of prior to purchasing this property.

And last, the architectural look. If we are going to continue referring to "Country Fair Days" then we should have a country or at least a more rural, residential look than the contemporary look that has been proposed and contemporary as we see countless down Hillfield road, State street in Clearfield, and through downtown Salt Lake. We have very limited space left in South Weber and we need our Planning Commission to set and expect more consistent architectural designs that complement our community or get rid of the "country" in Country Fair Days so we do not look like a hodge-podge patch work city with an identity crisis. When Walmart or Smiths wants to build in Park City, they comply with the architectural design that all can expect. While nobody is saying we should follow Park City in our strict building codes, we can definitely better define what the look and feel of the future of South Weber should be consistent with.

Thank you for the many hours of work each of you will spend reviewing this important decision and for all the countless hours of work you do for our City and citizens who have to live with whatever developments are approved as you do your best to balance the interest and legal rights of residents, the city, and developers.

Sincerely,

Brandyn Bodily

2408 E 8240 S, South Weber

**From:** [Ember Davis](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment 8.27.2020 - "The Lofts"  
**Date:** Thursday, August 27, 2020 2:04:57 PM

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Dear Planning Commission,

I wanted to reach out about the discussion regarding The Lofts tonight.

As you are painfully aware this development has had so much attention and controversy. I don't need to get into every detail, as I have faith you will take on this task with much more expertise than my own.

It's been said many times we have been misled by these developers and now we are stuck with it. **Please don't let this deception continue and hold them to every letter of the code that you can.** I am just heartbroken for the citizens that live next to this development that their views will be destroyed and they will be towered over by what resembles a cell block.

Please do all you can to protect these citizens and all of us as this development will literally and figuratively cast a dark shadow as we enter our beautiful city.

Thank you for your time, hard work and continued diligence.

**Ember Davis**  
**7362 S 2050 E**  
**South Weber, UT 84405**

**From:** [Julie](#)  
**To:** [Public Comment](#)  
**Cc:** [Barry Burton](#); [Robert Osborne](#); [Tim Grubb](#); [Taylor Walton](#); [Wes Johnson](#); [Gary Boatright Jr.](#)  
**Subject:** Public Comments for Aug 28, 2020 - South Weber City - Planning Commission Meeting  
**Date:** Wednesday, August 26, 2020 2:54:59 PM  
**Attachments:** [TheLofts\\_DeveloperSurveyDec2019\\_ZoomedInUpperSections\\_ExistingParcelDescriptionsIncreasedInSize\\_DeveloperSurveyNotForRecrodingAug2019\\_RecordedDocs\\_PublicComment.pdf](#)

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## Public Comments for Aug 28, 2020 - South Weber City - Planning Commission Meeting

Julie Losee

2541 E 8200 S

South Weber, UT 84405

Regarding the Lofts Proposal in front of you for consideration - First and Foremost - please do NOT approve this development tonight. There is more work that needs to be done and many problems that need to be addressed!

I have read through every single page of this proposal (all 400+) multiple times and I hope you have as well, so we are all seeing the same issues.

1 - There are 4 parcels located on the south side of the canal

- 13-041-0062 - 1.581 acres
- 13-041-0068 - .388 acres
- 13-140-0010 - .51 acres
- 13-041-0118 - .26 acres

The entire target property on the south side of the canal encompasses approximately 2.74 acres. (2.739 ACRES to be exact)

The lot to the North of the Canal is Parcel # 13-041-0115, and is .31 acres in size and that Lot is zoned Residential and was not included in the original rezone request to C-O by former owner Laurie Gale back in 2017 and is NOT a factor for consideration when determining total number of units based on acreage.

In addition to the Development Agreement - Exhibit A, the Recorded Warranty Deed, the Recorded Quit Claim Deed and the Recorded Deed of Trust - Exhibit A - all documents show the recorded legal parcel descriptions with Davis County that show the 4 lots as having 2.739 acres, there is also a letter from Barry Burton dated Aug 2, 2017 says "This is a proposal for re-zone of 2.74 acres from C-H to C-O". These documents have all been included in the attachment below for your review/consideration!

The Phase I Environmental Site Assessment done by CMT Engineering Laboratories from April 10, 2020 says 2.74 acres in multiple locations throughout the report.

The developer is the only one who seems to think he has more land than what the recorded documents from the county show him as owning. From an independent survey that was done and paid for by the developer that clearly states on the Aug 2019 version "Not For Recording", and even the Dec 2019 version that was stamped by the surveyor, has an incorrect existing parcel description and acreage calculation. I believe there is a transposition with the acreage on parcel 13-041-0118 and it should read .26 acres NOT .31 acres for the last parcel being described in the upper right section of the survey. A blown-up portion has been included for your consideration, with my notations as well as a correction to the North direction arrow notated on the survey.

Developer paid Surveys DO NOT trump officially recorded documents held with Davis County, unless the developer plans on going through the vetting process with the County and having his survey recorded with the County. Does he plan to do this? And if not, then ask yourselves why? Because he knows the size of the lots he has and it's only 2.739 acres and per our C-O code will only allow for 68 units! I'll say it again – the maximum number of units PER OUR CODE is 68 units!

2 - Regarding # of Parking Spaces – I understand that the Development Agreement recorded on 7/1/2019 says there should be 164 parking spaces with 74 for residents and the remaining to be shared with the commercial but I feel that in the best interest of our future residents each unit should have 2 designated parking spaces. Most households have 2 cars, not 1. There should be NO SHARING of parking spaces with Commercial as the developer has proposed in this development and other development's like the one in Sunset City. With more people working from home and telecommuting, you cannot count on those homeowners being gone for the day and parking spaces opening up for commercial customer use. This is not fair to our future residents and it should not be allowed. The 164 parking spaces does not account for the proposed Day car parking, guest parking or address what happens in winter when snow banks pile up and take up precious parking spaces. Having cars spill out into the surrounding neighborhood streets is NOT a viable option and parking along 2700 has already been deemed unsafe and marked accordingly due to narrowness of travel lanes/road and other factors. If the total number of units needs to be reduced in order to allow for adequate parking for all, then so be it. It is not up to the Planning Commission or City Council or Staff to make this development profitable for a developer, it's up to the Planning Commission and City Council and Staff to ensure that its citizens have a community where they can be safe, and live in, and park their cars in, to the very best that they can.

3 - Regarding the size of the units the developer is proposing that are under 1,000 sq. feet - for reference - In Cambridge Crossing, the apartments located in South Weber, a 1-bedroom apartment is 1,004 sq. feet. A 2-bedroom apartment is 1,215 sq feet and a 3-bedroom apartment is 1,395 sq. feet. The Lofts are supposed to be a step up from apartments and an option for first time home buyers. 700 sq feet is NOT enough space for 2 people and especially not enough space for a family. Even if you have a roommate situation, then 700 sq. feet of space is still an issue and now you have 2 separate individuals who will need parking spaces for their vehicle. We need the Lofts to be a BETTER housing option for our future citizens, not a worse one.

4 - Do we know if the Developer has a Day Care Provider that is weighing in on the design for the Day care location in Building 1? I know that the state has very specific requirements for access, control of access, open space, play areas, parking spaces, and anything and everything else that you can think of that will need to be considered. Also – what happens to this space should a day care provider never be found to occupy the space? What then? What protection/recourse do we as Citizens and the City have?

5 - I question the timing of when the traffic studies were done and the actual impacts to 2700 E and South Weber Drive, given that both studies done were not conducted when school at the local Charter school or Elementary school were in session. I think there would be an increased % to the impacts this development will bring, given current and future resident road usage during the school year. Especially considering the plans for a day care facility which will definitely have an impact and cause an increase to the traffic levels and road usage due to people both inside and outside the community traveling along 2700 E and South Weber Drive and surrounding roads to drop off and pick up children from the day care in addition to the workers and staff for the day care.

6 - Safety for future residents and existing neighboring homeowners is crucial and no wavering or concession should be permitted when it comes to buffer yard zoning or retaining wall requirements. If a slope of the land is “too steep” to be deemed safe for residents, than resolve it without doing away with buffer zones and proper retention supports. The land is in a designated sensitive lands area on our General Plans map (and has been for quite some time) should be given extra consideration and attention to ensure that something is not done for the developers benefit that will cause sloping or sliding or other hazardous conditions for the future residents and existing neighbors to “deal with” long after the developer has moved on.

7 - Overall building design and construction materials - I truly feel sorry for the neighbors located to the West that will have to look at the back side of this development. Can you say totally bland and visually unappealing? I would like to see the stone or other materials carried from the front renderings over onto the west side of the building to give those having to look at that side of the building, instead of the mountain views, something that blends in better with the surrounding landscape. How about a break-up of all the flat areas with beams or other architectural stylings? Where is the character and charm and imagery that we are hoping to put out to surrounding communities that shows what South Weber is? As presented, this design is blah!!

8 - Proposing two 10-foot cement retaining walls, right next to the proposed day care and right alongside the neighboring single-family homes?! How is that even safe or in the best interests for anyone?

Final thoughts:

1<sup>st</sup> - thank you for listening/reading my comments and for all that you do and the time and care and consideration you are giving these plans.

2<sup>nd</sup> - I'm asking every member of the Planning Commission to stand up for the residents, both current and future, and make sure this development is the very best it can be and in its current state, it's just not there. Be our voice and take a stand. Please DO NOT APPROVE THESE PLANS! The developer has a lot more work to do!

Sincerely,

Julie Losee



13-140-0010

**EXISTING PARCEL DESCRIPTIONS**

All Of Lot 2, Deer Run Estates Unit No 5. Except Thereof The Following: A Parcel Of Land In Fee For The Widening Of Exist State Hwy 89 Known As Project No 0089, Being Part Of An Entire Tract Of Property Situated In Lot 2, Deer Run Estates Unit No 5, A Sub In The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; The Boundary Of said Parcel Of Land Are Described As Follows: Beg At The Southeast Corner Of said Lot 2, At A Pt 20.751 M (68.08 feet) Perpendicularly Distant Northerly from The Center Line Of Deer Run Drive (7950 South Street) Of said Project, At Engineer Station 0+003.570; & Run thence North 12°25'38" West 19.039 M (62.46 feet) Along The Easterly Boundary Line Of said Lot 2; thence South 3°59'37" West 20.019 M (65.68 feet) To The Southerly Boundary Line Of said Lot 2; thence Easterly 5.662 M (18.58 feet) Along The Arc Of A 96.978 M (318.17 feet) Radius Curve To The Right (Note: Chord To said Curve Bears North 75°54'58" East For A Dist Of 5.662 M (18.58 feet)) To The Pob.

Cont 0.51 Acre

13-041-0002

Beginning on The West Line of a Highway, 125 Feet Perpendicularly Distant Westerly from The Center Line Thereof, At A Point 692.5 feet East & South 4°12' West 479.28 Feet & North 85°48' West 142 feet, M/L, from The Northwest Corner Of The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; Run thence South 4°00' West 243.47 feet, M/L, Along West Line said Hwy To Deer Run Estates Unit No 5; thence N 87°57'40" West 289.07 feet To The Easterly Line Of The Davis & Weber Co Canal Company R/W; thence Northerly Along The Easterly & Southerly Line Of said Canal R/W To A Pt South 83°46' West 136.27 feet, M/L, & South 67°01' West 74.64 feet Along said R/W from The West Line Of said Hwy; thence South 4°12' West 133.40 feet; thence South 85°48' East 66.0 feet To The Pob.

Cont. 1.581 Acre

13-041-0008

Beg At A Pt 707.37 feet East & South 4°12' West 283.3 feet & South 83°46' West 152.07 feet from Northwest Corner Of Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; thence South 83°46' West Along Canal R/W 9.20 feet; thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet, M/L, To Westerly R/W Line of Frontage Rd; thence North 4°00' East 170.08 feet, M/L, To Pob.

Cont. 0.388 Acres

13-041-0118 → LEGAL DESCRIPTION IS NOT BEING REFORWARDED FOR 13-041-0118. 2.6 ACRES \*

A Tract Of Land In Fee Sit In The Northwest 1/4 Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M, The Boundary Of said Tract Of Land Are Described As Follows: Beg At The Northwest Corner Of said Tract, Which Point Is East 434.00 feet from The West 1/4 Corner Of said Sec 36; & Run thence East 45.36 feet; thence Southeasterly 169.29 feet Along The Arc Of A 626.80 feet Radius Curve To The Right (Note: Chord Bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet To The Pob.

Cont 0.31 Acres

LEGAL DESCRIPTION FOR

CONT. 0.26 ACRES NOT 0.31 ACRES.

PARCEL # 13-041-0115 • LOT ON NORTH SIDE OF CANAL CONTAINS MEASURES @ 0.31 ZONED RESIDENTIAL. NOT FOR CONSIDERATION ANY





## *Community and Economic Development*

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Davis County Administration Building - 61 S. Main Street - Farmington Utah 84025  
Telephone: (801) 451-3279- Fax: (801) 451-3281  
Barry Burton/Director

### **PROJECT REVIEW DEER RUN PLAZA INC. REZONE By Barry Burton**

August 2, 2017

#### **General:**

This is a proposal for rezone of 2.74 acres from C-H and C to C-O. The C-O zone would allow for a residential component to development of the property along with commercial or business uses. The general plan indicates this area to be commercial with a mixed use overlay, so the proposal fits within that recommendation.

This is a property that has been for sale for a long time. I have had numerous inquiries from potential buyers concerning development possibilities on this property. Without exception, all to date have indicated this is not viable commercial property and would only consider purchasing if high density residential were allowed. The P-O zone allows between 8 and 25 units per acre with no distinction between residential and commercial units. Residential uses are conditional uses and are encouraged to be part of live/work units, but may be separate from commercial uses with Planning Commission approval.

#### **Recommendation:**

I don't believe the property is good for straight commercial development. It is too far from the interchange and too small for any large development. This proposal seems like the most likely to provide for a viable development alternative if the high density residential zone (R-H) is not an alternative. And, by our General Plan, it isn't. I recommend approval.

FROM DEVELOPMENT  
AGREEMENT  
RECORDED

7/11/2019

3169718  
BK 7295 PG 569

EXHIBIT "A"  
THE LOFTS AT DEER RUN  
BOUNDARY DESCRIPTION

13-041-0062

BEG ON THE W LINE OF A HWY, 125 FT PERP'LY DISTANT W'LY FR THE CENTER LINE THEREOF, AT A PT 692.5 FT E & S 4°12' W 479.28 FT & N 85°48' W 142 FT, M/L, FR THE NW COR OF THE SW 1/4 OF SEC 36-T5N-R1W, SLM; RUN TH S 4° W 243.47 FT, M/L, ALG W LINE SD HWY TO DEER RUN ESTATES UNIT NO 5; TH N 87°57'40" W 289.07 FT TO THE E'LY LINE OF THE DAVIS & WEBER CO CANAL COMPANY R/W; TH NE'LY ALG THE E'LY & S'LY LINE OF SD CANAL R/W TO A PT S 83°46' W 136.27 FT, M/L, & S 67°01' W 74.64 FT ALG SD R/W FR THE W LINE OF SD HWY; TH S 4°12' W 133.40 FT; TH S 85°48' E 66.0 FT TO THE POB. CONT. 1.581 ACRES.

13-041-0115

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE DESC AS FOLLOWS: BEG AT THE NW COR OF SD TRACT, WH PT IS E 434.00 FT FR THE W 1/4 COR OF SD SEC 36; & RUN TH E 45.36 FT; TH SE'LY 169.29 FT ALG THE ARC OF A 626.80 FT RAD CURVE TO THE RIGHT (NOTE: CHORD BEARS S 21°03'13" E 168.80 FT); TH S 83°21'47" W 47.65 FT; TH S 86°36'47" W 63.92 FT; TH N 71.41 FT; TH E 6.00 FT; TH N 52.00 FT; TH W 6.00 FT; TH N 65.00 FT TO THE POB. CONT 0.31 ACRES

13-041-0068

BEG AT A PT 707.37 FT E & S 4°12' W 283.3 FT & S 83°46' W 152.07 FT FR NW COR OF SW 1/4 OF SEC 36-T5N-R1W, SLM; TH S 83°46' W ALG CANAL R/W 9.20 FT; TH S 67°01' W 74.64 FT; TH S 4°12' W 133.4 FT; TH S 85°48' E 76.00 FT, M/L, TO W'LY R/W LINE OF FRONTAGE RD; TH N 4°00' E 170.08 FT, M/L, TO POB. CONT. 0.388 ACRES

13-041-0118

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE DESC AS FOLLOWS: BEG AT THE N'LY BNDRY LINE OF SD TRACT AT A PT 200.00 FT PERP'LY DIST W'LY FR THE CENTERLINE OF SD PROJECT, WH PT IS E 707.37 FT & S 4°12' W 283.30 FT & S 83°46'00" W 127.07 FT FR THE NW COR OF THE SW 1/4 OF SD SEC 36 SD PT BEING THE S'LY R/W LINE OF THE WEBER COUNTY CANAL COMPANY; & RUN TH S 4°00'00" W 413.55 FT; TH N 87°57'40" W 7.19 FT; TH S 12°25'38" E 106.71 FT; TH N 4°00' E 520.30 FT; TH S 83°46'00" W 23.37 FT TO THE POB. CONT 0.26 ACRES

13-140-0010

ALL OF LOT 2, DEER RUN ESTATES UNIT NO 5. EXCEPT THEREFR THE FOLLOWING: A PARCEL OF LAND IN FEE FOR THE WIDENING OF EXIST STATE HWY 89 KNOWN AS PROJECT NO 0089, BEING PART OF AN ENTIRE TRACT OF PPTY SIT IN LOT 2, DEER RUN ESTATES UNIT NO 5, A SUB IN THE SW 1/4 OF SEC 36-T5N-R1W, SLM; THE BNDRY OF SD PARCEL OF LAND ARE DESC AS FOLLOWS: BEG AT THE SE COR OF SD LOT 2, AT A PT 20.751 M (68.08 FT) PERP'LY DISTANT N'LY FR THE CENTER LINE OF DEER RUN DRIVE (7950 SOUTH STR) OF SD PROJECT, AT ENGINEER STATION 0+003.570; & RUN TH N 12°25'38" W 19.039 M (62.46 FT) ALG THE E'LY BNDRY LINE OF SD LOT 2; TH S 3°59'37" W 20.019 M (65.68 FT) TO THE S'LY BNDRY LINE OF SD LOT 2; TH E'LY 5.662 M (18.58 FT) ALG THE ARC OF A 96.978 M (318.17 FT) RAD CURVE TO THE RIGHT (NOTE: CHORD TO SD CURVE BEARS N 75°54'58" E FOR A DIST OF 5.662 M (18.58 FT)) TO THE POB. CONT 0.51 ACRES

ACREAGE CALC  $\rightarrow 1.581 + .388 + .26 + .51 = \underline{\underline{2.739}}$

LOT ON  
NDRTH  
SIDE OF  
CANAL  
ZONED  
RESIDENTIAL  
NOT INCLUDED  
IN 2017  
RE-ZONE  
REQUEST

NTDA-91405  
When Recorded Mail To:  
Deer Run Investments, LLC  
7870 South 2700 East  
South Weber, UT 84405

3175854  
BK 7314 PG 878

E 3175854 B 7314 P 878-880  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
7/30/2019 12:30:00 PM  
FEE \$40.00 Pgs: 3  
DEP eCASH REC'D FOR NORTHERN TITLE CO-L

## WARRANTY DEED

**Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member**

Grantor(s) of South Jordan, County of Salt Lake, State of UT hereby *CONVEY AND WARRANT* to

**Deer Run Investments, LLC**

Grantee(s) of South Weber, County of Davis, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Davis County, State of UT:

Parcel 1: 13-140-0010

Lot 2, DEER RUN ESTATES UNIT NO. 5, according to the official plat thereof, records of Davis County, State of Utah.

Less and Excepting Therefrom the Following:

Beginning at the Southeast corner of said Lot 2, at a point 68.08 feet perpendicularly distant Northerly from the center line of Deer Run Drive (7950 South Street) at Engineer Station 0+003.570; and running thence North  $12^{\circ}25'38''$  West 62.46 feet along the Easterly boundary of said Lot 2; thence South  $3^{\circ}59'37''$  West 65.68 feet to the Southerly boundary line of said Lot 2; thence Easterly 18.58 feet along the arc of a 318.17 foot radius curve to the right (chord of said curve bears North  $75^{\circ}54'58''$  East 18.58 feet) to the point of beginning.

Parcel 2: 13-041-0062

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point on the West line of a highway, said point being 125 feet perpendicularly distant Westerly from the center line thereof, at a point 692.50 feet East and 479.28 feet South  $4^{\circ}12'$  West and 142 feet more or less North  $85^{\circ}48'$  West from the West Quarter corner of said Section 36; and running thence South  $4^{\circ}$  West 243.47 feet more or less along the West line of said highway to the North boundary line of Deer Run Estates Unit 5, according to the official plat thereof, records of Davis County, State of Utah; thence North  $87^{\circ}57'40''$  West 289.07 feet to the Easterly line of the Davis and Weber Counties Canal Company right of way; thence North and Easterly along said Easterly and Southerly line of said canal to a point being 136.27 feet South  $83^{\circ}46'$  West more or less and 74.64 feet South  $67^{\circ}01'$  West along said right of way line from the West boundary line of said highway; thence South  $4^{\circ}12'$  West 133.40 feet; thence South  $85^{\circ}48'$  East 66.00 feet to the point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 3: 13-041-0068

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point 707.37 feet East and 283.30 feet South  $4^{\circ}12'$  West and 152.07 feet South  $83^{\circ}46'$  West and 9.20 feet South  $83^{\circ}46'$  West to the true point of beginning, and running thence South  $67^{\circ}01'$  West 74.64 feet; thence South  $4^{\circ}12'$  West 133.4 feet; thence South  $85^{\circ}48'$  East 76.00 feet more or less to the Westerly right of way of a frontage road; thence North  $4^{\circ}00'$  East 170.08 feet more or less to the true point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 4: 13-041-0115 · RESIDENTIAL ZONE · NORTH OF CANAL

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point which is East 434.00 feet from the West Quarter corner of said Section 36; and running thence East 45.36 feet; thence Southeasterly along the arc of a 626.80 foot radius curve to the right 169.29 feet (chord bears South  $21^{\circ}03'13''$  East 168.80 feet); thence South  $83^{\circ}21'47''$  West 47.65 feet; thence South  $66^{\circ}36'47''$  West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet to the point of beginning.

Less and excepting therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 5: 13-041-0118

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning Northerly boundary line of said tract at a point 200.00 feet perpendicularly distant Westerly from the center line of Highway 89, which point is East 707.37 feet and South  $4^{\circ}12'$  West 283.30 feet and South  $83^{\circ}46'00''$  West 127.07 feet from the Northwest corner of the Northwest Quarter of the Southwest corner of said Section 36; and being on the Southerly right of way line of the Weber County Canal Company; and running thence South  $4^{\circ}00'00''$  West 413.55 feet; thence North  $87^{\circ}57'40''$  West 7.19 feet; thence South  $12^{\circ}25'38''$  West 106.71 feet; thence North  $4^{\circ}00'$  East 520.30 feet; thence South  $83^{\circ}46'00''$  East 23.37 feet to the point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

Witness, the hand(s) of said Grantor(s), this July 30, 2019.

Deer Run Plaza, LLC, Leonard J. Fabiano, Jr, Member

Laurie Gale Member

By: Laurie Gale, Member

M Member

By: Martin Gale, Member

Leonard J. Fabiano Jr MEMBER

By: Leonard J. Fabiano, Jr., Member

State of UT                    )  
County of Salt Lake        )ss:

On July 30, 2019 personally appeared before me Laurie Gale, Martin Gale, and Leonard J. Fabiano, Jr., Members of Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member, the signer(s) of the above instrument, who duly acknowledged to me that they executed the same, with full authority of said LLC.



[Signature]  
Notary Public

NTDA-91405

When recorded mail to:

Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member  
10883 S. Martingale Lane  
South Jordan, UT 84095

3175811  
BK 7314 PG 542

E 3175811 B 7314 P 542-544  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
7/30/2019 11:23:00 AM  
FEE \$40.00 Pgs: 3  
DEP eCASH REC'D FOR NORTHERN TITLE CO.

## QUIT CLAIM DEED

**Laurie J. Gale**

Grantor(s) of South Jordan, County of Salt Lake, State of UT, hereby Quit Claims to:

**Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member**

Grantee(s) of South Jordan, County of Salt Lake, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Davis County, State of UT:

Parcel 1: 13-140-0010

Lot 2, DEER RUN ESTATES UNIT NO. 5, according to the official plat thereof, records of Davis County, State of Utah.

Less and Excepting Therefrom the Following:

Beginning at the Southeast corner of said Lot 2, at a point 68.08 feet perpendicularly distant Northerly from the center line of Deer Run Drive (7950 South Street) at Engineer Station 0+003.570; and running thence North  $12^{\circ}25'38''$  West 62.46 feet along the Easterly boundary of said Lot 2; thence South  $3^{\circ}59'37''$  West 65.68 feet to the Southerly boundary line of said Lot 2; thence Easterly 18.58 feet along the arc of a 318.17 foot radius curve to the right (chord of said curve bears North  $75^{\circ}54'58''$  East 18.58 feet) to the point of beginning.

Parcel 2: 13-041-0062

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point on the West line of a highway, said point being 125 feet perpendicularly distant Westerly from the center line thereof, at a point 692.50 feet East and 479.28 feet South  $4^{\circ}12'$  West and 142 feet more or less North  $85^{\circ}48'$  West from the West Quarter corner of said Section 36; and running thence South  $4^{\circ}$  West 243.47 feet more or less along the West line of said highway to the North boundary line of Deer Run Estates Unit 5, according to the official plat thereof, records of Davis County, State of Utah; thence North  $87^{\circ}57'40''$  West 289.07 feet to the Easterly line of the Davis and Weber Counties Canal Company right of way; thence North and Easterly along said Easterly and Southerly line of said canal to a point being 136.27 feet South  $83^{\circ}46'$  West more or less and 74.64 feet South  $67^{\circ}01'$  West along said right of way line from the West boundary line of said highway; thence South  $4^{\circ}12'$  West 133.40 feet; thence South  $85^{\circ}48'$  East 66.00 feet to the point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 3: 13-041-0068

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1

Parcel 3: 13-041-0068

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point 707.37 feet East and 283.30 feet South 4°12' West and 152.07 feet South 83°46' West and 9.20 feet South 83°46' West to the true point of beginning, and running thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet more or less to the Westerly right of way of a frontage road; thence North 4°00' East 170.08 feet more or less to the true point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 4: 13-041-0115 • LOT NORTH OF CANAL. ZONED RESIDENTIAL!!

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point which is East 434.00 feet from the West Quarter corner of said Section 36; and running thence East 45.36 feet; thence Southeasterly along the arc of a 626.80 foot radius curve to the right 169.29 feet (chord bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet to the point of beginning.

Less and excepting therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 5: 13-041-0118

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

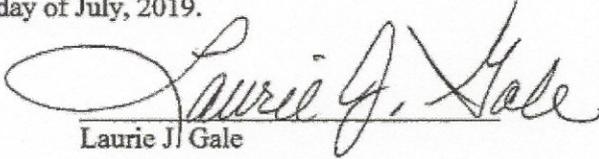
Beginning Northerly boundary line of said tract at a point 200.00 feet perpendicularly distant Westerly from the center line of Highway 89, which point is East 707.37 feet and South 4°12' West 283.30 feet and South 83°46'00" West 127.07 feet from the Northwest corner of the Northwest Quarter of the Southwest corner of said Section 36; and being on the Southerly right of way line of the Weber County Canal Company; and running thence South 4°00'00" West 413.55 feet; thence North 87°57'40" West 7.19 feet; thence South 12°25'38" West 106.71 feet; thence North 4°00' East 520.30 feet; thence South 83°46'00" East 23.37 feet to the point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

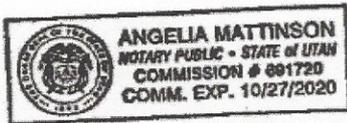
Subject to easements, restrictions and rights of way of record, and taxes for the current year and thereafter.

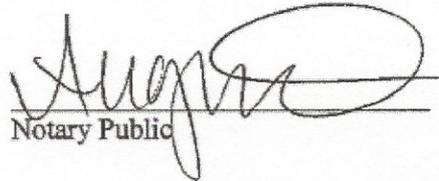
Witness, the hand(s) of said grantor(s), this 30th day of July, 2019.

  
Laurie J. Gale

State of UT            )  
County of Salt Lake )ss:

On this 30th day of July, 2019, personally appeared before me Laurie J. Gale, who duly acknowledged to me that she executed the same.



  
Notary Public

FROM DEED OF TRUST  
RECORDED  
7/30/2019

3175867  
BK 7314 PG 986

**Exhibit "A"**  
**Property Description**

PARCEL 1:

LOT 2, DEER RUN ESTATES UNIT NO. 5, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDS OF DAVIS COUNTY, STATE OF UTAH.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, AT A POINT 68.08 FEET PERPENDICULARLY DISTANT NORTHERLY FROM THE CENTER LINE OF DEER RUN DRIVE (7950 SOUTH STREET) AT ENGINEER STATION 0 + 003.570, AND RUNNING THENCE NORTH  $12^{\circ}25'38''$  WEST 62.46 FEET ALONG THE EASTERLY BOUNDARY OF SAID LOT 2; THENCE SOUTH  $3^{\circ}59'37''$  WEST 65.68 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID LOT 2; THENCE EASTERLY 18.58 FEET ALONG THE ARC OF A 318.17 FOOT RADIUS CURVE TO THE RIGHT (CHORD OF SAID CURVE BEARS NORTH  $75^{\circ}54'58''$  EAST 18.58 FEET) TO THE POINT OF BEGINNING.

ADDRESS: 7870 SOUTH 2700 EAST, SOUTH WEBER, DAVIS 84405  
TAX PARCEL NO. 13-140-0010

PARCEL 2:

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE WEST LINE OF A HIGHWAY, SAID POINT BEING 125 FEET PERPENDICULARLY DISTANT WESTERLY FROM THE CENTER LINE THEREOF, AT A POINT 692.50 FEET EAST AND 479.28 FEET SOUTH  $4^{\circ}12'$  WEST AND 142 FEET MORE OR LESS NORTH  $85^{\circ}48'$  WEST FROM THE WEST QUARTER CORNER OF SAID SECTION 36, AND RUNNING THENCE SOUTH  $4^{\circ}$  WEST 243.47 FEET MORE OR LESS ALONG THE WEST LINE OF SAID HIGHWAY TO THE NORTH BOUNDARY LINE OF DEER RUN ESTATES UNIT 5, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDS OF DAVIS COUNTY, STATE OF UTAH; THENCE NORTH  $87^{\circ}57'40''$  WEST 289.07 FEET TO THE EASTERLY LINE OF THE DAVIS AND WEBER COUNTIES CANAL COMPANY RIGHT OF WAY; THENCE NORTH AND EASTERLY ALONG SAID EASTERLY AND SOUTHERLY LINE OF SAID CANAL TO A POINT BEING 136.27 FEET SOUTH  $83^{\circ}46'$  WEST MORE OR LESS AND 74.64 FEET SOUTH  $67^{\circ}01'$  WEST ALONG SAID RIGHT OF WAY LINE FROM THE WEST BOUNDARY LINE OF SAID HIGHWAY; THENCE SOUTH  $4^{\circ}12'$  WEST 133.40 FEET; THENCE SOUTH  $85^{\circ}48'$

EAST 66.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL, SITUATE IN DAVIS COUNTY, STATE OF UTAH.

TAX PARCEL NO. 13-041-0062

PARCEL 3:

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 707.37 FEET EAST AND 283.30 FEET SOUTH 4°12' WEST AND 152.07 FEET SOUTH 83°46' WEST AND 9.20 FEET SOUTH 83°46' WEST TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE SOUTH 67°01' WEST 74.64 FEET; THENCE SOUTH 4°12' WEST 133.4 FEET; THENCE SOUTH 85°48' EAST 76.00 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY OF A FRONTAGE ROAD; THENCE NORTH 4°00' EAST 170.08 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL, SITUATE IN DAVIS COUNTY, STATE OF UTAH.

TAX PARCEL NO. 13-041-0068

PARCEL 4: *RESIDENTIAL ZONE - LOT TO NORTH OF CANAL*

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS EAST 434.00 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 36, AND RUNNING THENCE EAST 45.36 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 626.80 FOOT RADIUS CURVE TO THE RIGHT 169.29 FEET (CHORD BEARS SOUTH 21°03'13" EAST 168.80 FEET); THENCE SOUTH 83°21'47" WEST 47.65 FEET; THENCE SOUTH 66°36'47" WEST 63.92 FEET; THENCE NORTH 71.41 FEET; THENCE EAST 6.00 FEET; THENCE NORTH 52.00 FEET; THENCE WEST 6.00 FEET; THENCE NORTH 65.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL, SITUATE IN DAVIS COUNTY, STATE OF UTAH.

TAX PARCEL NO. 13-041-0115 • RESIDENTIAL ZONE • NORTH OF CANAL

PARCEL 5:

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING NORTHERLY BOUNDARY LINE OF SAID TRACT AT A POINT 200.00 FEET PERPENDICULARLY DISTANT WESTERLY FROM THE CENTER LINE OF HIGHWAY 89, WHICH POINT IS EAST 707.37 FEET AND SOUTH 4°12' WEST 283.30 FEET AND SOUTH 83°46'00" WEST 127.07 FEET FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST CORNER OF SAID SECTION 36 AND BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF THE WEBER COUNTY CANAL COMPANY, AND RUNNING THENCE SOUTH 4°00'00" WEST 413.55 FEET; THENCE NORTH 87°57'40" WEST 7.19 FEET; THENCE SOUTH 12°25'38" WEST 106.71 FEET; THENCE NORTH 4°00' EAST 520.30 FEET; THENCE SOUTH 83°46'00" EAST 23.37 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL. SITUATE IN DAVIS COUNTY, STATE OF UTAH.

TAX PARCEL NO. 13-041-0118

**From:** Julie  
**To:** Barry Burton; Robert Osborne; Tim Grubb; Taylor Walton; Wes Johnson; Gary Boatright Jr.  
**Cc:** Public Comment  
**Subject:** FWD: Parcel - Acreage discrepancy for Lofts Discussion Consideration - addendum to the Public Comments for Julie Losee  
**Date:** Wednesday, August 26, 2020 3:54:27 PM  
**Attachments:** BradLewis\_UStitle\_TitleOfficer\_Lot drawing and acreage based on Legal Description.pdf  
BradLewis\_UStitle\_SurveyParcelDescriptionCorrections.pdf  
TheLofts\_DeveloperSurveyDec2019\_ZoomedInUpperSections\_ExistingParcelDecsDescriptionsIncreasedInSize\_DeveloperSurveyNotForRecrodingAug2019.pdf

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Planning Commission Members and City Planner,

Please see the Additional supporting documentation to my public comments statements made regarding the errors on the Developers Survey by Brad Lewis and Michelle Stone with U.S. Title

Brad has the ability to take the legal description and to plot it out to determine acreage and those draws for the 2 parcels in question are provided below.

Brad also agrees that the parcel descriptions in the developers survey descriptions are being attributed to the wrong parcels. His email response is provided below.

Also, My original email is provided below so you can see the details provided in my original query to the title office.

Please let me know if you have any questions.

Thank you again for all that you do!

Please make sure these comments and documentation are added into the public record. Thank you!

Julie Losee  
2541 E. 8200 S.  
C - 801.699.3474

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**From:** Brad Lewis <BradL@ustitleutah.com>  
**Sent:** Wednesday, August 26, 2020 12:27 PM  
**To:** Michelle Stone <mstone@ustitleutah.com>  
**Subject:** RE: Parcel - Acreage discrepancy request

Michelle, that description they have marked as 0118 is actually the description for 0115. I also noticed the north arrow is wrong on the other page. Here's a copy of what she sent with those 2 corrections made. I don't see a description for 0118 anywhere on there.

On Aug 25, 2020, at 3:30 PM, Julie Losee - Mansell <julie@mansellrealestate.com> wrote:

Michelle,

The 2 parcels in questions are in Davis County and they are 13-041-0118 and 13-041-0115

I think parcel 13-041-0118 is 0.26 acres based on the legal description as follows:

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE  
DESC AS FOLLOWS: BEG AT THE N'LY BNDRY LINE OF SD TRACT AT A PT 200.00 FT PERP'LY DIST W'LY FR THE CENTERLINE  
OF SD PROJECT, WH PT IS E 707.37 FT & S 4^12' W 283.30 FT & S 83^46'00" W 127.07 FT FR THE NW COR OF THE SW 1/4 OF  
SD SEC 36 SD PT BEING THE S'LY R/W LINE OF THE WEBER COUNTY CANAL COMPANY; & RUN TH S 4^00'00" W 413.55 FT;

TH N 87°57'40" W 7.19 FT; TH S 12°25'38" E 106.71 FT; TH N 4°00' E 520.30 FT; TH S 83°46'00" W 23.37 FT TO THE POB.  
CONT 0.26 ACRES

and Parcel 13-041-0115 is .31 acres based on the legal descriptions as follows:

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE  
DESC AS FOLLOWS: BEG AT THE NW COR OF SD TRACT, WH PT IS E 434.00 FT FR THE W 1/4 COR OF SD SEC 36; & RUN TH E  
45.36 FT; TH SE'LY 169.29 FT ALG THE ARC OF A 626.80 FT RAD CURVE TO THE RIGHT (NOTE: CHORD BEARS S 21°03'13" E  
168.80 FT); TH S 83°21'47" W 47.65 FT; TH S 66°36'47" W 63.92 FT; TH N 71.41 FT; TH E 6.00 FT; TH N 52.00 FT; TH W 6.00 FT;  
TH N 65.00 FT TO THE POB. CONT 0.31 ACRES

What's being called into question is a surveyors reference to the existing parcel description and a transposition in acreage between those 2 lots.

I am attaching the Developers Survey Map stamped as of 12/2019 and a blown up section of the existing Parcel Descriptions along with the Survey not stamped from 8/2019 marked Not For Recording for informational purposes.

<TheLofts\_DeveloperSurveyDec2019\_ZoomedInUpperSections\_ExistingParcelDecscriptionsIncreaseInSize\_DeveloperSurveyNotForRecrodingAug2019.pdf>

My intent in all this is to understand with the following 4 parcels - how much total acreage the developer has.

13-041-0062 - 1.581 acres

13-041-0068 - .388 acres

13-140-0010 - .51 acres

13-041-0118 - .26 acres

I appreciate your help on figuring this out!

Let me know if there is any additional details you need from me!

**Julie Losee**

REALTOR

Mansell Real Estate

C: 801-699-3474

E: [julie@mansellrealestate.com](mailto:julie@mansellrealestate.com)

**I appreciate your business and referrals!**

13-140-0010

**EXISTING PARCEL DESCRIPTIONS**

All Of Lot 2, Deer Run Estates Unit No 5. Except Thereof The Following: A Parcel Of Land In Fee For The Widening Of Exist State Hwy 89 Known As Project No 0089, Being Part Of An Entire Tract Of Property Situated In Lot 2, Deer Run Estates Unit No 5, A Sub In The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; The Boundary Of said Parcel Of Land Are Described As Follows: Beg At The Southeast Corner Of said Lot 2, At A Pt 20.751 M (68.08 feet) Perpendicularly Distant Northerly from The Center Line Of Deer Run Drive (7950 South Street) Of said Project, At Engineer Station 0+003.570; & Run thence North 12°25'38" West 19.039 M (62.46 feet) Along The Easterly Boundary Line Of said Lot 2; thence South 3°59'37" West 20.019 M (65.68 feet) To The Southerly Boundary Line Of said Lot 2; thence Easterly 5.662 M (18.58 feet) Along The Arc Of A 96.978 M (318.17 feet) Radius Curve To The Right (Note: Chord To said Curve Bears North 75°54'58" East For A Dist Of 5.662 M (18.58 feet)) To The Pob.  
Cont 0.51 Acre

13-041-0002

Beginning on The West Line of a Highway, 125 Feet Perpendicularly Distant Westerly from The Center Line Thereof, At A Point 692.5 feet East & South 4°12' West 479.28 Feet & North 85°48'W 142 feet, M/L, from The Northwest Corner Of The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; Run thence South 4°00' West 243.47 feet, M/L, Along West Line said Hwy To Deer Run Estates Unit No 5; thence N 87°57'40" West 289.07 feet To The Easterly Line Of The Davis & Weber Co Canal Company R/W; thence Northerly Along The Easterly & Southerly Line Of said Canal R/W To A Pt South 83°46' West 136.27 feet, M/L, & South 67°01' West 74.64 feet Along said R/W from The West Line Of said Hwy; thence South 4°12' West 133.40 feet; thence South 85°48' East 66.0 feet To The Pob.  
Cont. 1.581 Acre

13-041-0068

Beg At A Pt 707.37 feet East & South 4°12' West 283.3 feet & South 83°46' West 152.07 feet from Northwest Corner Of Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; thence South 83°46' West Along Canal R/W 9.20 feet; thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet, M/L, To Westerly R/W Line of Frontage Rd; thence North 4°00' East 170.08 feet, M/L, To Pob.

~~13-041-0118~~ 13-041-0115 Cont. 0.368 Acres

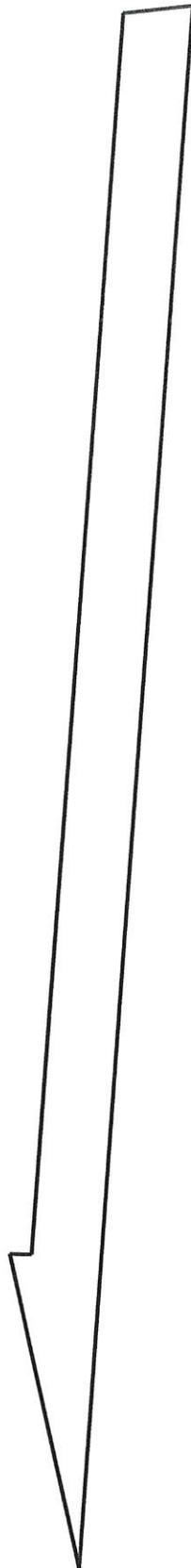
A Tract Of Land In Fee Sit In The Northwest 1/4 Of Sec 36-T5n-R1w, SLB&M, The Boundary Of said Tract Of Land Are Described As Follows: Beg At The Northwest Corner Of said Tract, Which Point Is East 434.00 feet from The West 1/4 Corner Of said Sec 36; & Run thence East 45.36 feet; thence Southeasterly 169.29 feet Along The Arc Of A 626.80 feet Radius Curve To The Right (Note: Chord Bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet To The Pob.

Cont 0.31 Acres

CONT. 0.26 ACRES NOT .31 ACRES.

PARCEL# 13-041-0115 • LOT ON NORTH SIDE OF CANAL CONTAINS MEASURES @  
• 31 ZONED RESIDENTIAL. NOT FOR CONSIDERATION  
ACRES





13-041-0118

8/25/2020

Scale: 1 inch= 60 feet

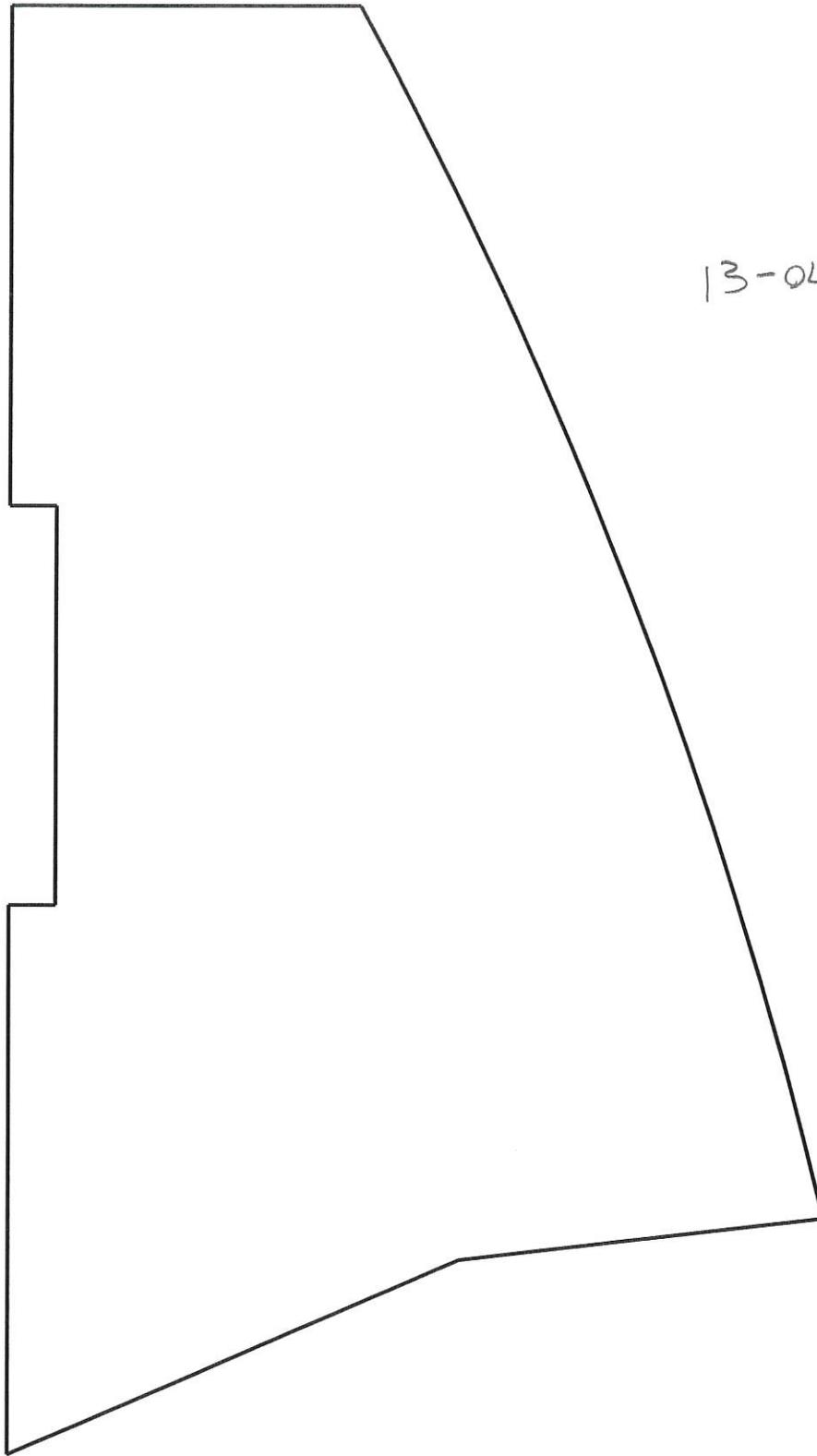
File:

Tract 1: 0.2550 Acres (11108 Sq. Feet), Closure: n77.4235e 0.01 ft. (1/152562), Perimeter=1071 ft.

- 01 s04.0000w 413.55
- 02 n87.5740w 7.19
- 03 s12.2538e 106.71
- 04 n04.0000e 520.30
- 05 s83.4600w 23.37



13-041-0115



8/25/2020

Scale: 1 inch= 23 feet

File:

Tract 1: 0.3088 Acres (13449 Sq. Feet), Closure: s20.4819e 0.02 ft. (1/23259), Perimeter=527 ft.

01 n90e 45.36

08 n90w 6.00

02 Rt, r=626.80, arc=169.29, chord=s21.0313e 168.78

09 n00e 65.00

03 s83.2147w 47.65

04 s66.3647w 63.92

05 n00e 71.41

06 n90e 6.00

07 n00e 52.00



13-140-0010

EXISTING PARCEL DESCRIPTIONS

All Of Lot 2, Deer Run Estates Unit No 5. Except Thereof The Following: A Parcel Of Land In Fee For The Widening Of Exist State Hwy 89 Known As Project No 0089, Being Part Of An Entire Tract Of Property Situated In Lot 2, Deer Run Estates Unit No 5, A Sub In The Southwest 1/4 Of Sec 36-75n-R1w, SLB&M; The Boundary Of said Parcel Of Land Are Described As Follows: Beg At The Southeast Corner Of said Lot 2, At A Pt 20.751 M (68.08 feet) Perpendicularly Distant Northerly from The Center Line Of Deer Run Drive (7950 South Street) Of said Project, At Engineer Station 0+003.570; & Run thence North 12°25'38" West 19.039 M (62.46 feet) Along The Easterly Boundary Line Of said Lot 2; thence South 3°59'37" West 20.019 M (65.68 feet) To The Southerly Boundary Line Of said Lot 2; thence Easterly 5.662 M (18.58 feet) Along The Arc Of A 96.978 M (318.17 feet) Radius Curve To The Right (Note: Chord To said Curve Bears North 75°54'58" East For A Dist Of 5.662 M (18.58 feet)) To The Pob.

13-041-0062

Cont 0.51 Acre

Beginning on The West Line of a Highway, 125 Feet Perpendicularly Distant Westerly from The Center Line Thereof, At A Point 692.5 feet East & South 4°12' West 479.28 Feet & North 85°48'w 142 feet, M/L, from The Northwest Corner Of The Southwest 1/4 Of Sec 36-75n-R1w, SLB&M; Run thence South 4°00' West 243.47 feet, M/L, Along West Line said Hwy To Deer Run Estates Unit No 5; thence N 87°57'40" West 289.07 feet To The Easterly Line Of The Davis & Weber Co Canal Company R/W; thence Northerly Along The Easterly & Southerly Line Of said Canal R/W To A Pt South 83°46' West 136.27 feet, M/L, & South 67°01' West 74.64 feet Along said R/W from The West Line Of said Hwy; thence South 4°12' West 133.40 feet; thence South 85°48' East 66.0 feet To The Pob.

13-041-0068

Cont. 1.581 Acre

Beg At A Pt 707.37 feet East & South 4°12' West 283.3 feet & South 83°46' West 152.07 feet from Northwest Corner Of Southwest 1/4 Of Sec 36-75n-R1w, SLB&M; thence South 83°46' West Along Canal R/W 9.20 feet; thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet, M/L, To Westerly R/W Line of Frontage Rd; thence North 4°00' East 170.08 feet, M/L, To Pob.

13-041-0118

Cont. 0.388 Acres

A Tract Of Land In Fee Sit In The Northwest 1/4 Southwest 1/4 Of Sec 36-75n-R1w, SLB&M, The Boundary Of said Tract Of Land Are Described As Follows: Beg At The Northwest Corner Of said Tract, Which Point Is East 434.00 feet from The West 1/4 Corner Of said Sec 36; & Run thence East 45.36 feet; thence Southeasterly 169.29 feet Along The Arc Of A 626.80 feet Radius Curve To The Right (Note: Chord Bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet To The Pob.

Cont 0.31 Acres

Cont. 0.20 ACRES NOT 0.31 ACRES.

PARCEL# 13-041-0115

lot on WORN SIDE of canal contains / MEASURES @ 0.31 ACRES RESIDENCE. NOT FOR CONSIDERATION

AKS



**From:** [Mindi Smith](#)  
**To:** [Public Comment](#); [Barry Burton](#); [Robert Osborne](#); [Tim Grubb](#); [Taylor Walton](#); [Wes Johnson](#); [Gary Boatright Jr.](#)  
**Subject:** The Lofts  
**Date:** Wednesday, August 26, 2020 5:29:39 PM

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I am begging you to consider reducing the units of the lofts or eliminating all together the commercial aspect of the Lofts or eliminating the LOFTS all together. Definitely do not accept this version! It's absolutely hideous, there's not enough parking Number One problem or green space, there needs to be less retention, a plan for the safety of the canal water, you need to address how the daycare is going to handle safety issues of possible pedophiles living there.

The commercial will likely go dark or never attract anyone anyway and so there will be no benefit to the city for tax revenue and it will multiply the problems with parking and traffic.

You can put the daycare on the property across from the city offices. It's commercial right now since the GP still isn't approved.

This development was the very development that brought actual fear into my life and not for the reasons that you may think. It's not because I'm against affordable housing or city type living it has to do with HOW this went down and it also doesn't make sense.

I went back and listened to the minutes in both the work meeting and the planning meeting for the rezone of this property and I was appalled to hear how people were manipulated and tricked into granting the rezone for the lofts. I think I've always been taught that when every level of government can be bought then that's when you know as a society you are doomed.

Gary and Taylor you should go back and listen to this to understand how this happened.

Rob repeatedly said he was scared of the possibility of this daycare turning into this so he said he would be putting a CUP in place to ensure it didn't but the CUP never happened. Just like it never happened for the soccer fields, lots of promises made on public record in front of concerned citizens that never made it into writing.

1) who's responsible for doing the CUP's? Who's double checking to make sure it's done?

I have made it no secret that I believe that plans are being drawn up, and someone in our city is helping sell off the property for Commercial property owners.

2) I'm asking each of you separately if its legal for PC to help market and sell citizen's property and would love to hear from you if it is?

3) Is it legal to do this before rezones are granted and then promising the new buyers the rezones? Or Making promises outside of our code (in this instance more than 25 units per acre).

I still believe even if this is standard practice that this has turned into a very greedy practice here. Its crossed the lines and has come with extremely high costs to the residents near these properties. I think most small town PCs still try and make the developments fit into their surroundings they also are usually worried about upsetting their friends and neighbors.

I'm going to just say it as plainly as I'm thinking it, I'm sorry to those that this offends and I do realize and believe we have honest members of our PC on this email and I'm grateful for you we need you more than ever right now to make our city a better place but my fear is that at least with the Soccer Fields and the Lofts that one or two people within our PC are making money off of these deals. If there's a different truth that explains the manipulating and sneaking it by the other members of PC and CC then I think the city deserves to know that truth because to me Neither development makes sense without this belief.

4) is it legal to make money off of deals you help get through as a PC member?

If it's numbers you are driving up in order to get other developments to sell then I believe it's time to be honest about that too.

Sorry that I can't be more optimistic or nice about this and just request that the lofts were just more aesthetically pleasing. I just don't think it was nice to any of the current citizens or future residents of the lofts that these were ever approved, it wasn't nice to our elected leaders either that weren't informed by the person they employ to inform them. I hope they come to their senses and will employ only people that have their best interests at heart, until then many of us don't feel that our city is safe from the very same corruption we see at the state and national level and that is sad. The Lofts don't deserve to be here in this city at all and I don't believe that the people that pushed for them should have any power to do this to us again.

Mindi Smith  
2440 E 8300 S



**From:** [Natalie Browning](#)  
**To:** [Public Comment](#)  
**Subject:** Lofts Development  
**Date:** Thursday, August 27, 2020 4:28:05 PM

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I as well as many others have multiple concerns about this proposed development. As you are watching the meeting tonight in the comfort of your homes, I do not feel we as concerned citizens can be heard. I am hoping that no decision will be made on this development until the PC is able to meet together with the public whom they serve. We as the citizens have expectations about the quality of life where we reside. Our local government should be the very most responsive to meet the needs of our residents.

I read through Sunset City's PC Jan 15, 2015 where developer Joseph Cook presented his plans for his Sunset development. At this meeting it was proposed that this development would have 2.5 parking stalls per unit. Of course, at this meeting the citizens of Sunset also voiced their concerns about parking concerns, increased traffic and increased crime that HDH brings. Now, five years later I google this development and it has a 2.3 out of 5 star rating with pictures of random peoples cars in residents assigned stalls with complaints that they couldn't reach anyone from the HOA or the owner. As we're discussing this development this rating should be a red flag.

One of my primary concerns is the height of the proposed Loft's development. Is 3.5 stories really going to fit in our nice suburbia neighborhoods? So many of our citizens built in this area to enjoy the view of our mountains. How many wonderful views will now be absolutely ruined by this tall building. Along with this concern is the light pollution that will come from it. This light pollution will make it impossible for people who live near here to ever see the stars from their homes and yards again. It will definitely be a fine balance of safety for our citizens as HDH is known to increase violent crime, ight pollution is also a concern. Light pollution has adverse health effects including sleep disorders (insomnia), depression, cancer, and cardiovascular disease. It also disrupts the ecosystem by radically altering nocturnal activity interfering with reproduction and reducing the populations of animals and disrupts the migratory schedules of birds. I'm also hoping you take this into consideration with the car wash signs.

As I have read back through meetings a daycare seems to be a hot topic for this development. But I ask, is a daycare appropriate for this kind of setting? As this development is now going to be people's homes and places of business, who will be doing the screening to protect our vulnerable population? Utah does have in place a law that restricts where sex offenders can live, this law includes licensed daycares and preschools.

My children attended a great daycare for many years as I work for Intermountain Health Care. This was expensive for us, and I was informed that it also has to be subsidized to keep it running. How much will the owners of the daycare be charged for rent in a building that Mr. Cook is trying to sale for \$200.00 per sq foot. How can a nice daycare even possibly stay in business paying high rent, as well as pay reputable employees, food for meals and snacks, as well as all of the other equipment and services and insurance a daycare brings. If there are 100 children attending this daycare of a daily basis at a rate of \$6.00 per hour there is no possible way (even if this rent is reduced to a fraction of his asking point) that a daycare could survive financially. Does this area meet the state requirements for an outdoor play area? The state code is at least 40 sq feet of space for each child using the playground at the same time, and must accomodate at least 33% of the licensed capacity at one time.

Will this center have easy access and short term parking for people to drop off and pick up their children? Seperate lanes for ingress and egress of traffic? Is there necessary access for service and emergency vehicles as well as for the disabled? Is there enough parking for each staff member to have a daily parking stall and one stall per every four children that attends?

My next concern is the mixed use and business section of this proposal. I have heard our PC members and Planner refer to this commercial development as a "dangling carrot" to get people to move here. As I was sitting in the drive through at In and Out in Riverdale, I couldn't help but notice the empty parking lot I was sitting in. Riverdale is one of the biggest business cities in the state of Utah, and businesses are

shutting down rapidly. A longer term retail outlook, this one from investment firm UBS, states that an estimated 75,000 brick and mortar store are likely to shut down by 2026. If businesses are shutting down in record speed, what sort of business would stay up and going in the bottom of a small apartment complex with little to no parking, and, residents above them? Retail and Restaurant commercial tenants earn limited profits, and prior to this decline they struggled to survive with no viable strategy to draw in customers in this sort of an arrangement.

My last concern is about the living arrangements themselves. Apartments as well as other high-density type housing are known to require more police services, they have higher volumes and crime rate and therefore they will cost the city more in this regard. I know our city has down played this, but it was my good friends son who found the gun and meth buried under the snow a couple of winters ago at the Cambridge Crossing apartments. Now is the time to seriously consider restructuring this development. Because of the Covid-19 pandemic many people are now doing telework. As a result, many businesses are making this a permanent shift. A current statistic shows that 1/3 of all workers state they can now work from home. Most of these are higher paid professionals. Because of this current trend, people's homes are also their places of business. Because of this, many are needing more space to be able to accommodate work and home. Do we get any benefit from a 700 sq foot apartment? I would recommend that we take this time to reevaluate and upgrade. Let's attract people who want to live in a nice place and are eager to contribute to our community. Let's not end up with the same problems as the citizens in Sunset. The residents of South Weber are counting on you to represent them. We are asking for the Loft's to be a prestigious location with distinctive architecture. Let's do away with the commercial that will end up being a blight in our community, and let's downsize to 2.5 levels and ask for much bigger units making this a win for everyone.

Natalie Browning

**Comments on the Planning Commission packet for the 27Aug20 Meeting  
by Paul A. Sturm - 2527 Deer Run Drive**

It is completely unreasonable for South Weber Citizens to have only six days to review a **486** page, **148 MB** document and then be able to provide meaningful comments for a **PUBLIC HEARING!** As a result of this very short timeframe to review the packet, any **Action** or decision on this Preliminary Site Plan& Improvements for the Lofts at Deer Run **should be postponed so that the Planning Commission has the ability to review and consider both the Public's inputs and comments as well re-familiarize themselves with past information.**

**I also have a total of 25 documents for the Planning Commission to review on the Lofts project regarding both past information previously provided and new/current information with no way to get all of this information to you for this meeting.**

**These documents are being provided as a reminder of what has occurred and what has been promised by both the Planning Commission and City Council this past year.**

**#Zone C-O w-Subfiles Information -Downloaded 9Jul & 21Aug19 - 5 Files**

 5.03 South Weber 10-5G-1 - Zone C-O.pdf	7/9/2019 4:52 PM
 5.03 Zone C-O Indent 1 Chap 07 Requirements.docx	8/21/2019 11:30 PM
 5.03 Zone C-O Indent 1 Chap12 Requirements.docx	8/21/2019 9:30 PM
 5.03 Zone C-O Indent 2 Chap 12 - Chapter 8 Subrequirements.docx	8/21/2019 9:48 PM
 5.03 Zone C-O Indent 2 Chap 12 - Chapter 9 Subrequirements.docx	8/21/2019 10:03 PM

**PaS-City Council Presentation Packet 23Jul19 -9 Files**

 0-Presentation to the South Weber City Council and Mayor - Summary.docx	7/23/2019 5:17 PM
 CC-23Jul19 Exhibit #1 10Aug17 PC Minutes.docx	7/23/2019 9:05 AM
 CC-23Jul19 Exhibit #2 22Aug17 CC Minutes.docx	7/23/2019 9:02 AM
 CC-23Jul19 Exhibit #3 13Jun19 PC Minutes.docx	7/23/2019 8:53 AM
 CC-23Jul19 Exhibit #4 Development Agreement 27Jun19 & Noted Changes-2.docx	7/23/2019 8:51 AM
 CC-23Jul19 Exhibit #5 South Weber 10-5G-1 - Zone C-O.pdf	7/23/2019 8:46 AM
 CC-23Jul19 Exhibit #6 Extracts & Comments on13Jun19 Draft Development Agmnt-3.docx	7/23/2019 10:56 AM
 CC-23Jul19 Exhibit #7 Henry and CMT comments 9Jul19.docx	7/23/2019 8:20 AM
 CC-23Jul19 Exhibit #8 UDOT Impacts.docx	7/23/2019 8:25 AM

**Miscellaneous Files - TBD**

 L-1 Initial Rezone Request from Laurie Gale to Barry Burton-To PC-2.docx	8/27/2019 12:01 PM
 L-2 Request for Investigation Into Actual Acreage of The Lofts Development on 12Aug19.docx	8/12/2019 11:58 AM
 L-3.0 Questions for 20Aug19 CC Meeting-F.docx	8/20/2019 2:14 PM
 L-3.1 Utah Code 76-8-501 Making False Statements.pdf	8/22/2020 9:00 AM
 L-4 Exhibit #1 Sunset City Council 15May18 Minutes w-Ref.docx	8/5/2019 1:21 PM
 L-5 Planning Commission 08Aug19-Minutes with Sunset Notes .pdf	9/18/2019 9:26 AM
 L-6 Development Agreement 27Jun19 & Noted Changes.docx	7/18/2019 3:13 PM
 x Dave Larson Ltr & FAQs on the Lofts 31Jul19.docx	8/12/2019 7:01 PM
 zJoseph Cook Companies.docx	8/23/2020 3:42 PM
 zJoseph Cook -Utah Dept of Commerce 2014 Incorporation Info.pdf	9/20/2019 5:02 PM
 zzLofts Planning Commission Comments 27Aug20-2 with Updates.docx	8/24/2020 9:54 AM

## Discussion Item #1

Barry Burton's Letter - LOFTS AT DEER RUN PRELIMINARY REVIEW 18Aug20

### NOTED DISCREPANCIES AND COMMENTS

#### **PL6 - Page 1**

Does South Weber City have any recourse if the development, when fully occupied, has insufficient parking for all owners and clients? (Now only 164 total stalls) That is computed from the following: one stall is reserved for each condo, plus one unassigned parking stall for each condo and then **only two** extra parking stalls (totals 146 stalls) That only leaves 18 parking stalls for business clients. There is no consideration being given to any other visitors to the development tenants! (See Page 474 of packet)

#### **PL8 - Page 1**

1) Reference to Building 1 is incorrect. - On the architectural drawing it is now listed as Building A (Building 1 was broken into Buildings A & B)

**(Note:** This is a common mistake that has been made throughout the entire package and various drawings presented in the packet due to changing nomenclature.)

2) Building B Page 4 of 4, Packet Page 424 (i.e., Building 2) also shows 4 floors (including a numbered basement) contrary to the Mr. Burton's PL8 statement of three floors. Also please note that there are two rooms shown as **B103** on Packet Page 424.

#### **PL14 - Page 6**

States that this is the 4th iteration of the Preliminary Plan. Why was a Public Hearing **Not held** on iterations #2 and #3. Why were the citizens of South Weber not informed about these two iterations so that Public Comments could have been made? I have also been told that some members of the Planning Commission **were not aware of iterations #2 and #3!** **(Note:** Was informed immediately after my presentation to the City Council on 25Aug20 that an iteration is just a change to a document, such as a Fire Department assessment, not a major change to the Preliminary Plan.)

#### **Zone C-O**

There appears to be a major problem with Mr. Burton's presentation and responses to provide a complete compliance assessment of Zone C-O. He did not address every element of Zone C-O Code, including all of Chapters 7 & 12 and the two Chapter 12 sub-requirements. ( And found out after the 25Aug20 CC meeting other chapters as well.) Citizens were promised by several SWC Planning Commission members, City Council members, as well as the City Manager that **ALL** C-O requirements would be addressed. It appears that a complete point by point assessment of Zone C-O requirements was not accomplished as promised.

Mr. Burton **only** addressed the basic elements contained in the C-O Code document. He did not address all of those contained in the following Zone C-O Code requirements! Some of these are:

- Zone C-O Chapter 07 Requirements
- Zone C-O Chapter 12 Requirements
- Zone C-O Chapter 12 - Chapter 8 Sub-requirements
- Zone C-O Chapter 12 - Chapter 9 Sub-requirements

Please note that David Larson, SWC City Manager, in his 25Jul19 letter "To All Concerned About the Proposed Lofts at Deer Run Development" stated "Staff, Planning Commission, and City Council will all make sure that every City code is followed and that this development becomes the best it can considering our situation." Additional questions were answered in the FAQs on 31Jul19.

**Notes:** The set of Zoning Code C-O documentation shown above was provided to the Planning Commission Chair on 22Aug19, a Member of the City Council on 5Sep19, and to the City Manager on 18Sep19. This information has been readily available within the City for nearly a year!

Another reminder was that, during the discussion on the rescission of the C-O code, the City Council promised, in open meeting, that whenever C-O was presented, the Developer would be held to all C-O requirements and no variances granted.

## Discussion Item #2

Brandon Jones Memo of 20Aug20 (Packet Page 9 of 486)

Section D - Traffic - Comments (Brandon's Page 3 of 6)

Bullet #1 - Just because the March 2019 Horrocks study classified the Frontage Road, South of 7800 S, as an LOS B up to 2025, including (non-existent) future development does not make sense. As has been expressed many times by citizens, and was shown during the Park N Protest event, the Frontage Road is not capable, from a safety perspective, to handle the increased traffic. This is especially true with the sharp turns that will be required to enter the proposed development at its entrance/exit and the resulting deceleration. Additionally, the proposed northernmost entrance/exit is on a curve adjacent to the canal that is subject to refrigeration effect icing on the bridge. Without a deceleration lane, there will be accidents on 2700 E. that could have been prevented and potential liability could be assigned for approving such a design! (**Note:** During a post CC meeting discussion with Brandon Jones on 25Aug20 it was disclosed that the 2700 E. classification (LOS B) is based on the SWC prior General Plan.)

Bullet #2 - The last sentence did not make much sense. "A need for widening will likely be the result of an aggregate of all development along 2700 E. to the existing traffic." Comment: There is no open land along 2700 E. for development, thus the Lofts development should be assessed an impact fee due to the acknowledged traffic increase! It also should be noted that 2700 E. already is a major artery that feeds a significant portion of the eastern end of South Weber City, west of US89, and should be treated as such. Just look at any City map!

Also, how can 2700 E. between 7800 S. and Deer Run Drive ever be widened with the Lofts property directly adjacent. This appears to show a real lack of planning by the City regarding future growth. (**Also**, just to let the City know, UDOT surplused the property needed for widening of 2700 E. It was acquired by Laurie Gale to become a portion of what is now the Lofts property. When acquired, the Davis County Recorder combined the two former UDOT parcels into one and gave the oddly-shaped parcel the number 13-041-0118.)

Another issue is the Weber Basin Water Conservancy District's Davis Aqueduct Parallel Pipeline Project and its impacts on the Lofts property. Information on this project was provided to the City's Manager and Engineer on 23Jul20 showing a significant/potential impact to the Lofts property during construction and installation of these pipelines.

Regarding "Will Serve" Letters and utilities section, there is still the issue of whether SWC can provide adequate sewer services. In reviewing past discussions, the formal answer was that it did not have sufficient capacity, but informally statements were made that the sewer capacity probably was adequate. Does SWC now have a formal position on the sewer capacity prior to approving this development?

## Discussion Item #3

**Note:** Please reference **Pages 403 thru 405** of the Packet- **ASTM 1527 -13 USER QUESTIONNAIRE** for the following discussions. This information has also been provided to the Planning Commission.

In his responses to this questionnaire, Mr. Enrique (Henry) De Varona appears to have possibly made several misstatements in this official document that he signed on 23Mar20 as "Owner Representative" and provided to CMT regarding his knowledge of the Lofts site. The comments are somewhat repetitive because they all are a result of a documented conversation on 9Jul19 between 0839 and 0947 at the Lofts site.

***Please Note: Any false statement made in accordance with the following may be subject to prosecution as follows!:***

[https://le.utah.gov/xcode/Title76/Chapter8/76-8-P5.html?v=C76-8-P5\\_1800010118000101](https://le.utah.gov/xcode/Title76/Chapter8/76-8-P5.html?v=C76-8-P5_1800010118000101)

<b>Index</b>	<b>Utah Code</b>
<b>Title 76</b>	<b>Utah Criminal Code</b>
<b>Chapter 8</b>	<b>Offenses Against the Administration of Government</b>
<b>Part 5</b>	<b>Falsification in Official Matters</b>

Amended by Chapter 298, 2018 General Session

### **76-8-502 False or inconsistent material statements.**

A person is guilty of a felony of the second degree if in any official proceeding:

- (1) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or
- (2) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true.

Amended by Chapter 324, 1997 General Session

### **76-8-503 False or inconsistent statements.**

- (1) Except as provided in Subsection (2), a person is guilty of a class B misdemeanor if:
  - (a) the person makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and the person does not believe the statement to be true if:
    - (i) the falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing the public servant's official functions; or
    - (ii) the statement is one that is authorized by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or
  - (b) the person makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the person to be true.
- (2) Subsection (1) does not include obstructing a legislative proceeding, as described in Section 36-12-9.5.
- (3) A person is not guilty under this section if the person retracts the falsification before it becomes manifest that the falsification has been or will be exposed.

**Section 1 of ASTM 1527 USER QUESTIONNAIRE - Responses and Comments**

Question 1 Potentially appropriate answer.

Question 2 Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands that CMT Engineering Labs was about to excavate for test holes was on "Sensitive" lands, and Mr. De Varona told CMT that was not a problem. (**Note**: This meeting was also documented in the Planning Commission Meeting minutes for 08Aug19) Sensitive Lands information was also readily available in South Weber City's General Plan.

Question 3 Potentially appropriate answer.

Question 4 Potentially appropriate answer.

Question 5A Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store and that most of the concrete had been pushed over a hill to the west.

Question 5B Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store.

Question 5C/D Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, as can be seen from his answer in 5D, received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet), thus his answers to 5A, 5B, 5C, and 5D also were not accurate. In fact, he did not even answer 5D properly!

Question 6 Potentially appropriate answer.

**Section 2 - As part of this study, which of the following are you providing? (ASTM 1527 USER QUESTIONNAIRE - Responses and Comments)**

Question 10 Mr. De Varona answered **No**. Comment: In Section 1, Question 5C he responded that he had received a no action letter, thus he had that information.

\*\*\*\*\*

**Note:** Please reference Pages 407 thru 4115 of the Packet- SITE ASSESSMENT QUESTIONNAIRE for the following discussions.

In his responses to this questionnaire, Mr. Enrique (Henry) De Varona appears to have possibly made several misstatements in this official document that he signed on 23Mar20 as "Owner Representative" and provided to CMT regarding his knowledge of the Lofts site. The comments are somewhat repetitive because they all a result of a documented conversation on 9Jul19 between 0839 and 0947 at the Lofts site.

## **Section 1 - Current and Historic Uses of Property (SITE ASSESSMENT QUESTIONNAIRE - Responses and Comments)**

Question 1 Potentially appropriate answer.

Question 2 Potentially appropriate answer.

Question 3 Potentially appropriate answer.

Question 4 Mr. De Varona answered **Vacant**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store prior to the Frontage Road being constructed.

Question 5 Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, as can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

## **Section 2 - Potential Environmental Property (SITE ASSESSMENT QUESTIONNAIRE - Responses and Comments)**

### **Conditions**

Question 1 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, as can be seen from his answer in 5D, received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 2 Potentially appropriate answer.

Question 3 Potentially appropriate answer.

Question 4 Potentially appropriate answer.

Question 5 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 6 Mr. De Varona answered **Unknown**. Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 7 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 8 Potentially appropriate answer.

Question 9 Potentially appropriate answer.

Question 10 Potentially appropriate answer.

Question 11 Potentially appropriate answer.

Question 12 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet)

Question 13 Potentially appropriate answer

Question 14 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store.

Question 15 Potentially appropriate answer.

Question 16 Potentially appropriate answer.

Question 17 Potentially appropriate answer.

Question 18 Potentially appropriate answer.

### **Section 3 -User Provided Information Property (SITE ASSESSMENT QUESTIONNAIRE - Responses and Comments)**

#### **User Provided Information**

Question 1 Potentially appropriate answer.

Question 2 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands that CMT Engineering Labs was about to excavate test holes was on "Sensitive" lands and Mr. De Varona told CMT that was not a problem. This information was also readily available in South Weber City's General Plan.

Question 3 Potentially appropriate answer.

Question 4 Potentially appropriate answer.

Question 5a Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store.

Question 5b Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store.

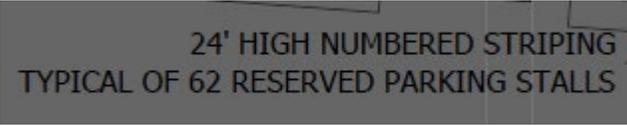
Question 5c Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store. Additionally, Mr. De Varona received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet)

Question 5d Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store. Additionally, Mr. De Varona received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet)

## Discussion Item #4

Regarding the Entellus drawings: (**Note:** The following questions were determined through cursory review of the drawings, during the limited amount of time available, and on a computer screen where many details are not readily observable as would have been seen on a full-size drawing.)

### 1) Packet page 439 - **Drawing #C304**



24' HIGH NUMBERED STRIPING  
TYPICAL OF 62 RESERVED PARKING STALLS

Contains the following text:

Why are just 62 reserved stalls mentioned?

### 2) Packet page 448 - **Drawing #C700**

A) It appears that a pump/lift station could be required to get the sewer and storm water from the lower portions of the development, under the Davis and Weber Canal, into its appropriate discharge point. No such pump/lift station could be found in any of the drawings. Is a pump/lift being proposed? (**Note:** If so, the Planning Commission and City Council should be wary because this is a nearly identical situation where Sunset City experienced problems with this same developer performing work prior to City Council approval. This was reported in the Sunset City Corporation -City Council Minutes of May 15, 2018 and presented at the South Weber City Council Meeting on 20Aug19.)

B) What happens if/when the Detention Basin fills and overflows? Where would this excess water flow? What precautions are being taken to safeguard the adjacent neighborhood?

C) Another note is, that when there are severe storms in SWC, it is not uncommon for there to be a power outage. If a power outage were to occur, and a pump/lift station is used, what type of reservoir/holding cistern would this have, and what is the storage capacity? In the case of the Sunset City development, the built-in storage capacity was only eight (8) hours for just 16 units not like the 72 units plus businesses being proposed for the Lofts.

## Discussion Item #5

Regarding Fred C. Cox, Architect - **Variance Application Letter of Explanation.**

Packet page 472

1) I do not understand why South Weber City is entertaining this Variance Request. A preponderance of the property has had the same topography for hundreds of years. Why was the topography not taken into consideration during the design phase for this property. Mr. Cox has been involved with this property for over a year as is evidenced by his name on South Weber City's "Subdivision/Land Use Process Application" and listed as the "Developer's Engineer" and shown as "Fred Cox (Architect)" His statement in the Variance Application Letter of Explanation "The unreasonable hardship from current zoning language is that the parking lot would be too steep in the wintertime..." is absurd.

2) Mr. Cox's statement in the Variance Application Letter of Explanation "The unreasonable hardship from current zoning language is that the parking lot would be too steep in the wintertime..." is again, absurd. The zoning language has not changed and should have been taken into consideration during the project design. Once again, nothing in the zoning language, topography, or anything else has changed in past years.

3) I disagree with Mr. Cox's statement that "This is not self-imposed or economic." His design is **both** of these! The basic building layout design has not changed substantially since day one of this project! So, why now a variance? Some of the design has changed to the established zoning codes and City regulations, but such things as adding a basement to what is now called Parcels A and B is nothing but economic!

**Note:** Another reminder was that, during the discussion on the rescission of the C-O code, the City Council promised, in open meeting that, whenever C-O was presented, the Developer would be held to all C-O requirements, and that no variances would be granted .

## Discussion Item #6

The entity of Sunset Development, LLC has been mentioned in documents during the Lofts development process with Joseph M. Cook over the past year. A recent search shows that:

### Sunset Development, LLC is now delinquent with the Utah Department of Commerce!

utah.gov Services Agencies

Utah.gov Secured A SECURE ONLINE SERVICE FROM UTAH.GOV

DIVISION OF CORPORATIONS AND COMMERCIAL CODE  
BUSINESS SEARCH

### SUNSET DEVELOPMENT , LLC

[Update this Business](#)

**Entity Number:** 9380381-0160  
**Company Type:** LLC - Domestic  
**Address:** 937 YORK DR North Salt Lake, UT 84054  
**State of Origin:**  
**Registered Agent:** [JOSEPH M COOK](#)  
**Registered Agent Address:**  
784 PARKWAY DR  
NORTH SALT LAKE, UT 84054 [View Management Team](#)

**Status:** Delinquent [Purchase Certificate of Existence](#)

**Status:** Delinquent ● as of 07/16/2020 [Renew Now](#)  
**Status Description:** Failure to File Renewal  
**Employment Verification:** Not Registered with [Verify Utah](#)

**History** [View Filed Documents](#)

**Registration Date:** 04/14/2015  
**Last Renewed:** 04/26/2019

**Additional Information**

**NAICS Code:** 9999 **NAICS Title:** 9999-Nonclassifiable Establishment

Is this a problem for South Weber City or the Developer regarding these proceedings?

**From:** [Mountain Valley Retreat](#)  
**To:** [Public Comment](#)  
**Subject:** The Lofts  
**Date:** Wednesday, August 26, 2020 6:24:23 PM

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Greetings to the, South Weber planning committee, we are empty nesters who live at 2569 E. 7870 S. and we are in the neighborhood that will view the backside of the three-story development being discussed Thursday evening. We encourage you to say no to the three-story development. We certainly cannot believe you would allow a three-story building in our neighborhood. We ask that you stay with our city code concerning this difficult property. Keep into account there should be no variance allowed. The developer should be held to our city codes. There are other properties with better land grades, street access, and less resistance by citizens. We also think the highrise apartments/condos are not beautiful, the extreme high-density is shocking to us. Please consider the number of families who might live there, with zero green space.

The following is a quote from the Facebook page I follow, South Weber Citizens United, Joel Dills states,  
EVERYONE should agree that a huge project like this one MUST follow the city code to the letter. The code isn't just a bunch of rules about how a project should look, it's about the safety and well being of all those who live there and those who live close by. These codes are not arbitrary, and every city in the state has similar, if not more stringent regulations, to protect the city as a whole. A legal precedent can be established by other developers who feel they too should be given exemptions from the law. This has to be stopped. The PC and its commissioner need to stop giving away our protections to support a few big-money developers. This needs to be rejected outright and told that they should resubmit a plan without requiring exceptions to the law. There is no reason for it, except to make the developer more money. The land can still be developed following all the laws the rest of us have to follow. These exceptions, with no standardization or equal value measures, should only be the exception and not a standard practice of bypassing city laws. Why can the elected City Council pass a law but the unelected, unaccountable PC change it whenever they wish? Who's in charge over there? We elected the mayor and CC to represent us, and I think overall, they do a good job, but the PC needs to stop bypassing our laws and then making the mayor and PC e the heat. We need to stop this practice.

Respectfully,

Rod and Jan Massie  
801-499-1903  
801-781-0041

**From:** [tonya.mackintosh](mailto:tonya.mackintosh)  
**To:** [Public Comment](#)  
**Subject:** RE: August 27, 2020 Public Hearing #2-The Lofts at Deer Run  
**Date:** Wednesday, August 26, 2020 12:01:08 PM

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More thoughts for our written submission for the record.

Sewer: Does the Lofts have their own sewer? When we moved here 30 years ago everyone was on a septic tank. The sewer was then installed I believe in the middle of Deer Run Drive and everyone paid to tie in. I am curious as to the sewer system at the Lofts? Years ago I have no idea how much development was anticipated for the future sewer use. I would like to know if that development has its own sewer or does it tie into the sewer serving the Deer Run subdivision? Is there any way that the Loft sewer could cause a backup in our basements in the residential area? Please let me know.

Will there be enclosures around the heating and air conditioner handlers on the 4 corners? They tend to be very noisy.

As for snow removal, I have reviewed the plan and see - first no way to remove the snow. And 2nd no where to put it. You could eliminate 10 or so parking spaces in the back corner and build a mountain of snow. Will there be carports so the cars can get a running start?

I have worked in construction my whole life and what you learn is to build a good project it was to make sense. Nothing about this makes sense. It's like "let's just build it and see what happens".

There is not a worse time to be allowing this project to be discussed with the pandemic going on. Even those with the strongest mental outlook are struggling at this time. For this reason I think you should table this project until things are more normal and we have an opportunity as a City to further discuss this matter.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

**From:** Public Comment <[publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)>  
**Date:** 8/25/20 8:20 AM (GMT-07:00)  
**To:** "tonya.mackintosh" <[tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)>  
**Subject:** RE: August 27, 2020 Public Hearing #2-The Lofts at Deer Run

[Yes, it was received and will be sent to the Planning Commissioners.](#)

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**From:** tonya.mackintosh <[tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)>  
**Sent:** Tuesday, August 25, 2020 8:12 AM  
**To:** Tonya Mackintosh <[Tonya.Mackintosh2610@outlook.com](mailto:Tonya.Mackintosh2610@outlook.com)>; Public Comment <[publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)>

**Subject:** RE: August 27, 2020 Public Hearing #2-The Lofts at Deer Run

South Weber City- can you let me know this was received? Thank you

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Tonya Mackintosh <[Tonya.Mackintosh2610@outlook.com](mailto:Tonya.Mackintosh2610@outlook.com)>

Date: 8/23/20 10:55 AM (GMT-07:00)

To: [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)

Cc: [tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)

Subject: August 27, 2020 Public Hearing #2-The Lofts at Deer Run

Tonya and Cory Mackintosh

2610 Deer Run Drive

We would like to make a Public Comment for the record, related to the Lofts at Deer Run.

We are strongly opposed to this HD development. This year we received the mailed notice that we are within 300 feet from the boundary of the property. We did not receive such notice when the property was re-zoned. We had no idea of this change until July 2019.

This new development will impact the few houses backing the property significantly, which includes our home of 30 years. We did not move to South Weber with the vision we would have 72 families living practically in our backyard. This is too many for an already established neighborhood. Our somewhat peaceful backyard will become major noise of cars, people, and mechanical equipment that services the facility, such as air handlers, garbage collection, snow

removal, etc. Not our reason for moving to South Weber and choosing to commute to SLC to work for 30 years.

Traffic concerns: the report only shows small delays but that seems to be incorrect from our view as residents of our community. It seems fair to estimate that every owner would have at least 2 cars coming and going from this property daily. In addition, you would have commercial visitors depending on the commercial establishment that lease or own part of the building.

Parking: This is a nightmare waiting to happen. One parking place per unit is not adequate. It should be required at least 2 spaces. Preferred would be a double car enclosed garage for each unit to have an appearance that adds value to our City. This property is not value added. Will cars now be parked on the nearby streets as it was determined parking on the frontage road would not be safe?

Other concerns:

Play ground on the corner of Deer Run Drive. Is that really safe? This can be a very busy road with a lot of car sliding in the winter months. What does open fence by the play area mean? The need of a play ground indicates families will be a target buyer which greatly increases the amount of people living in this small area in an established residential area.

Once condos are established, we the residents nor the City have much control over the HOA rules. How many will be subject to short term rentals by the owner of the condo? Will they have a required window covering for a uniform appearance or does anything go that adds an eye sore to the frontage road, nearby houses and the community. We own a condo so we understand the changes that are implemented yearly with HOA Boards.

Crime- This will greatly increase. We should all be concerned about this. We have no idea if the condos will be rentals or owner occupied. Again, we would have no control over this. Crime will be on the rise. Who pays for this?

Maybe it needs a 30 foot fence around it?

Fire hazard behind the buildings to the west. Is this a concern/problem?

Property value: What is the suggested selling price? How will this price impact the current property owners. We have spoken to a couple of Realtors which claim this will decrease our value.

We do realize this is land that has been sold for development. The apartment style condos are not acceptable and will impact the appearance and value of South Weber. Nice townhomes would be a much better option. Residential houses, even better. 72 apartment style condo with no outside enclosures to hold personal property (cars, junk) is not a good idea. We ask that the South Weber Planning Commission and Council help us in not allowing this property to be built.

Concerned Citizens,

Tonya and Cory Mackintosh

Sent from Windows Mail

**From:** [Tonya Mackintosh](#)  
**To:** [Public Comment](#)  
**Cc:** [tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)  
**Subject:** August 27, 2020 Public Hearing #2-The Lofts at Deer Run  
**Date:** Sunday, August 23, 2020 10:55:44 AM

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Tonya and Cory Mackintosh  
2610 Deer Run Drive

We would like to make a Public Comment for the record, related to the Lofts at Deer Run.

We are strongly opposed to this HD development. This year we received the mailed notice that we are within 300 feet from the boundary of the property. We did not receive such notice when the property was re-zoned. We had no idea of this change until July 2019.

This new development will impact the few houses backing the property significantly, which includes our home of 30 years. We did not move to South Weber with the vision we would have 72 families living practically in our backyard. This is too many for an already established neighborhood. Our somewhat peaceful backyard will become major noise of cars, people, and mechanical equipment that services the facility, such as air handlers, garbage collection, snow removal, etc. Not our reason for moving to South Weber and choosing to commute to SLC to work for 30 years.

Traffic concerns: the report only shows small delays but that seems to be incorrect from our view as residents of our community. It seems fair to estimate that every owner would have at least 2 cars coming and going from this property daily. In addition, you would have commercial visitors depending on the commercial establishment that lease or own part of the building.

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Play ground on the corner of Deer Run Drive. Is that really safe? This can be a very busy road with a lot of car sliding in the winter months. What does open fence by the play area mean? The need of a play ground indicates families will be a target buyer which greatly increases the amount of people living in this small area in an established residential area.

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rules. How many will be subject to short term rentals by the owner of the condo? Will they have a required window covering for a uniform appearance or does anything go that adds an eye sore to the frontage road, nearby houses and the community. We own a condo so we understand the changes that are implemented yearly with HOA Boards.

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Maybe it needs a 30 foot fence around it?

Fire hazard behind the buildings to the west. Is this a concern/problem?

Property value: What is the suggested selling price? How will this price impact the current property owners. We have spoken to a couple of Realtors which claim this will decrease our value.

We do realize this is land that has been sold for development. The apartment style condos are not acceptable and will impact the appearance and value of South Weber. Nice townhomes would be a much better option. Residential houses, even better. 72 apartment style condo with no outside enclosures to hold personal property (cars, junk) is not a good idea. We ask that the South Weber Planning Commission and Council help us in not allowing this property to be built.

Concerned Citizens,

Tonya and Cory Mackintosh

Sent from Windows Mail