

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 13 December 2022

TIME COMMENCED: 6:04 p.m.

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

PRESENT: MAYOR:	Rod Westbroek
COUNCIL MEMBERS:	Hayley Alberts Joel Dills Blair Halverson Angie Petty Quin Soderquist (excused)
FINANCE DIRECTOR:	Mark McRae
CITY MANAGER:	David Larson
COMMUNITY SERVICES DIR:	Trevor Cahoon
CITY ENGINEER:	Brandon Jones
CITY ATTORNEY:	Jayme Blakesley
CITY RECORDER:	Lisa Smith (excused)
DEPUTY RECORDER:	Kelli Bybee
PR ASSISTANT:	Shaelee King

Minutes: Michelle Clark

ATTENDEES: Paul Sturm, Michael Grant, Jeffrey & Stacie Eddings, Doug Bitton, Joseph Cook, Jeff Butts, and Henry De Varona.

Mayor Westbroek called the meeting to order, welcomed those in attendance and excused Councilman Soderquist from tonight's meeting.

1. Pledge of Allegiance: Councilman Halverson

2. Prayer: Mayor Westbroek

3. Public Comment: Please respectfully follow these guidelines.

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

Paul Sturm, of South Weber City, referenced agenda item #8 (Deer Run Investment Draft Development Agreement). Having followed this project for the past 3.5 years, Mr. Sturm suggested the City Council and city staff, who have not been involved with “The Lofts” project since its beginning, better familiarize themselves with its history. He highlighted items discussed in previous Planning Commission and City Council meetings which included a possible daycare. He noted amendments have been made to the number of units and commercial square footage. Mr. Sturm offered opinion that the proposed design does not meet the citizens’ desires and suggested the city seek legal advice concerning a development within a C-O Zone without any commercial. He recommended no more than 25% of the units as rentals, complained twenty-foot driveways are too small, and established 4-plexes are the largest unit size the city should allow in order to keep a neighborhood feel.

Michael Grant, of South Weber City, reviewed in 2017 a meeting was held in which Laurie Gale, original property owner of the property located at 7700 S 2700 E, requested a zone change to the property for a daycare center. The property was rezoned to the C-O Zone. Within a couple of years the property was purchased by Deer Run Investments, LLC and proposed 74 units on the parcel. Because of parking requirements, the project was downsized to 62 units. The developer is now requesting 42 units with no commercial. Mr. Grant petitioned Deer Run Investments develop 62 units with the commercial overlay or apply for an R-7 rezone request. He pronounced the location of the podium makes it difficult for the presenter to see the entire panel.

Jeffrey Eddings, of South Weber City, stated he favored the requested lower density for the Deer Run property but questioned the sudden change. He expressed concern with playground/dog park located east of his property. He thanked the City Council for their service and charged that they keep the residents surrounding this development in consideration.

Doug Bitton, of South Weber City, also addressed the Deer Run Investment Draft Development Agreement. He urged the amenities be included in a center. He thanked the City Council, city staff, and public safety for all their support and service in making decisions on behalf on the city. He expressed concern that manholes are covered and secured. He mentioned the public service of Mayor Westbroek’s father, Herman Westbroek, who was a long-time resident of the city and one of the first inspectors.

PRESENTATIONS

4. Strategic Plan Report

Mayor Westbroek acknowledged the development of the city’s strategic plan and the opportunity the City Council now has to review it and make any necessary amendments to it. He then turned the time over to City Manager David Larson who explained the city established its first strategic plan in January 2020, which was mainly an operational action plan connecting the city’s vision to the daily operations of the city. It identified strategic objectives, high level goals within each objective, plans and projects to accomplish those goals, and specific tasks to carry out the plans.

The City Council reviews and updates the strategic plan annually during the planning/budget retreat in late January or early February. In 2022, the City pivoted the purpose of the strategic plan from mainly operational to a broader, long-range goal oriented and initiative-based plan.

Mr. Larson highlighted the strategic plan includes six strategic directives with goals and success measures identified for each directive. Specific initiatives and tasks have been identified to help accomplish those goals and meet those success measures. The meeting packet included a status report for the initiatives and tasks of the plan. Mayor Westbrook thanked the city staff and Council for their efforts in developing, overseeing, and keeping information updated on the plan.

ACTION ITEMS

5. Consent Agenda

- **November 15, 2022 Minutes**
- **November Check Register**
- **October Budget to Actual**
- **2023 Meeting Schedule**

Councilwoman Petty moved to approve the consent agenda as written. Councilman Halverson seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, and Petty voted aye. The motion carried.

6. Resolution 22-51: Final Acceptance of Freedom Landing Phase 3

Freedom Landing Subdivision Phase 3 was granted conditional acceptance on June 22, 2021, which started the 1-year guarantee period. In accordance with City code a written request for acceptance was made and Jones & Associates has inspected the public improvements and found them to be in good working order and meeting the adopted city standards. It is the recommendation of Jones & Associates that the City Council grant “Final Acceptance” of all the public improvements associated with the Freedom Landing Subdivision Phase 3. Once Final Acceptance is granted, the previously held 10% guarantee amount of \$9,831.30 can be released, as well as any other remaining funds still left in the account. The accounts can be permanently closed.

Councilwoman Petty moved to approve Resolution 22-51: Final Acceptance of Freedom Landing Phase 3. Councilman Dills seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, and Petty voted aye. The motion carried.

7. Resolution 22-52: Final Acceptance of Hidden Valley Meadows Phases 1, 2, and 3

Hidden Valley Meadows Phases 1, 2, and 3 were granted conditional acceptance on August 19, 2021, which started the 1-year guarantee period. All improvements in this subdivision are public improvements, with the exception of yard drains. The subdivider has requested acceptance in writing and Jones & Associates has inspected the public improvements and have found them to be in good working order and meeting the adopted city standards. It is the recommendation of Jones & Associates that the City Council grant “Final Acceptance” of all the public improvements associated with the Hidden Valley Meadows Subdivision, Phases 1, 2, and 3. Once Final Acceptance is granted, the previously held 10% guarantee amounts of \$71,327.60 for Phase 1 and \$72,823.65 for Phases 2 and 3 can be released, as well as any other remaining funds still left in the accounts. The accounts can be permanently closed.

Councilman Halverson queried if all the yards drains were installed. City Engineer Brandon Jones confirmed they were completed according to the plans.

Councilwoman Petty moved to approve Resolution 22-52: Final Acceptance of Hidden Valley Meadows Phases 1, 2, and 3. Councilwoman Alberts seconded the motion. Mayor Westbrook called for a roll call vote. Council Members Alberts, Dills, Halverson, and Petty voted aye. The motion carried.

DISCUSSION ITEMS

8. Deer Run Investment Draft Development Agreement

Deer Run Investments has an approved Development Agreement and project located at approximately 7700 S 2700 E. This project is currently in the Commercial-Overlay Zone and has an entitled use of 74 residential units and 28,000 sq. ft. of commercial space, commonly referred to as “The Lofts”.

The developer has since reached out to the city and requested to redesign the project. In a meeting with the City Council the developer presented an alternative site plan and asked if they can begin the process of a development agreement. City Council directed Mayor Westbrook to convene a Development Agreement Committee and begin the process of negotiations. The developer submitted a draft development agreement to the city. The committee met and reviewed the recommendations, and sent their revisions on to the developer. Through the conversations, the main concerns expressed by the committee were the look and feel of the units and the spacing of the buildings. Overall, the terms of the agreement are close to what was discussed in the City Council Meeting with the developer directly. Some items the Development Agreement Committee and the developer saw differently are as follows:

- **Number of Units:** The Developer is requesting a total of 41 units to be approved upon the acreage. The committee feels this density number, although less than the current entitled use, is quite large and requested the number be 10 units an acre.
- **Setbacks:** The developer has requested setbacks be measured from each building at 10 feet, excepting a side setback of 5 feet from the back of the sidewalk (or 10 feet from back of curb). The committee feels that although the density of this project is smaller than the current density, the single-family attached (townhome) use does spread the density across the entire site which will make the project feel denser than the approved use. The committee recommends 10 feet from the back of the sidewalk.
- **Structure Height:** Overall staff does not have an issue with the height of the building as it is less than the approved project. Building height has an effect on fire code requirements and the developer will be required to adhere to those requirements. Taller buildings do affect city operations as it pertains to availability of a ladder truck to access taller stories.
- **Homeowners Association (HOA) Rental Regulation:** The committee requested the developer reduce the amount of rentals allowed in the HOA to no more than 25% of the available units. The developer was not comfortable limiting the amount; however, suggested an amount of no more than 50%. Their reasoning being the requirements for FHA financing lists a recommended amount of over 50% owner occupied.

Joseph Cook of Deer Run Investments LLC introduced Jeff Butts and Henry De Varona. Mr. Cook highlighted items proposed by the city as per his notes which included: three means of access as per fire code, continuous sidewalks on all private streets, 24,000 sq. ft. of open space,

individual water meters to each unit, traffic letter update, R-7 rezone with bonus density, 25 ft. driveways, 32 ft. wide alleyways, 10 ft. setbacks, 38 ft. building height, design standards articulations with differentiation, 4-plexes, 18 ft. garage doors, 22 ft. x 22 ft. garage, no flat roofs, rock or brick wainscoting, no aluminum siding, 6 ft. privacy fence, and guest parking with pedestrian access. Mr. Cook reported his civil engineer was able to accomplish all of these items except the 25 ft. driveway. He requested a 20 ft. driveway given the parking stalls are 20 ft. He acknowledged instead of all 4-plexes, they have two 5-plexes and a 6-plex on the proposed site plan.

Councilwoman Petty referenced the site plan exhibit unit #301 & unit #302 without driveways. She queried where the snow will be placed upon removal. Mayor Westbrook and Councilman Dills also questioned the plan for snow. Mr. Cook replied they can get creative and place the snow on the green areas. Councilman Halverson verified without driveways units #301 and #302 would not meet the agreement. Councilwoman Petty suggested replacing units #301 & unit #302 with the playground etc. She voiced concern with the noise from the pickleball courts. Mayor Westbrook agreed with Councilwoman Petty and added removing unit #301 & #302 will allow for an area to compile the snow.

Councilman Dills wondered why the detention basin area was included in the density calculations. City Engineer Brandon Jones explained it is the storm water retention and sewer system for the development. Councilman Dills inquired if the city code allows for property to be included in density calculation that is not attached to the project itself. Mr. Cahoon replied there is not specific language in the city code stating it can or cannot be used.

Councilman Dills then questioned how garbage collection will be handled. The developer identified the area on the site plan where trucks will have access. Discussion took place regarding city code and the maximum number of units allowed. Mr. Cahoon reported current city code allows for a maximum of 12 units per structure, but there is a drafted ordinance with a maximum of 4 units per structure. The developer has not made official application for this development; therefore, the developer does not have an entitled use. Although it can be argued they have initiated the process because the development agreement process has begun. Councilman Dills stated the city also initiated the process with the changing of the R-7 ordinance. Mr. Cahoon explained the developer has access to the city code in place at the time of application pending the determination of where the code is. However, this property is not an R-7 use but a C-O use currently. City Attorney Jayme Blakesley explained the property is currently zoned C-O and is subject to the development agreement. He understands the city is considering applying the R-7 standard to the development agreement with some modifications. Mr. Blakesley provided some clarity. Councilman Halverson added the new development agreement will require the developer to apply for the R-7 Zone. Mr. Blakesley revealed a development agreement is a negotiated zoning change.

Councilman Dills questioned the garage door size and reminded the developer that nothing can hang over sidewalks. Councilman Halverson mentioned the committee recommended 10 ft. setback from the back of sidewalk and this site plan still shows the 5 ft. Council echoed they will require 10 feet. Councilwoman Alberts pronounced with the limited parking visitors will be parking on Deer Run Drive and 7800 South. Her concern was for future residents. She then discussed the rental ratio. Councilwoman Alberts agreed with removing units #301 and #302 to allow for green space and moving the playground/dog park amenities from the detention basin to this location. As an aside, she reminded the developer they are responsible for shoveling the

sidewalk on 2700 E. which has not been done consistently and children walking home from HighMark Charter School are having problems.

Councilman Halverson conveyed if the city is not getting commercial, he is firm at the bonus density of up to 10. He suggested if the developer does not want to apply for the R-7 Zone, then they should build what is already approved. Councilwoman Alberts agreed. Councilman Halverson then noted the location of the structures in item 9 of the development agreement need 10 ft. setback from back of sidewalk. He communicated the height of the structures is ambiguously written. He voiced concerns because of the slope of the property, the structure can be pretty tall. Councilman Halverson advocated for 25 ft. driveways and agreed with removing units #301 and #302 because they do not have a driveway. He related the wainscoting needs to specify the use of rock or brick. Mr. Cahoon added the agreement requires an exhibit with the drawings of the facade. Councilman Halverson requested it be placed in writing as well.

Mr. Cook remarked he will lose multiple units if the 10 ft. setback is required. Councilman Dills noted the large size of the units will increase the population which will create more impact on the city. The developer stated each unit is planned with only two drivers. Councilman Dills voiced as soon as the developer is finished the weight is put on a Homeowners Association. He favored working with the developer to create a quality project for not only the developer, but people who will be living there. Mr. Cook suggested possible units that could be removed which would allow for more parking and drop the project down to 37 units. He was also agreeable to removing units #301 and #302 moving the playground/dog park to this location. Discussion followed regarding the pickleball court and reducing the size of the 6-plex which would also allow for snow removal locations. The detention basin should remain green space with grass and trees.

Mr. Cahoon reviewed when application is made, the development schedule will include review by the Planning Commission with required public notices for public hearing, and then examination by the City Council. Councilwoman Petty recommended the developer remove six units which would be lower density to twelve units per acre. Mr. Cook rebutted with 37 units and include more parking. Councilman Halverson added by going to 35 units it would allow for more parking stalls. Councilwoman Petty indicated removing the dog park would allow for more parking as well. Mayor Westbrook agreed on the need for more parking. Councilman Halverson voiced he will not approve any request higher than R-12 which is 35 units.

REPORTS

9. New Business (None)

10. Council & Staff

Mayor Westbrook: related he attended an educational conference in regard to waste management and the importance of recycling. He requested the City Council consider options for South Weber City and a possible recycling program. He suggested discussing this item more at the city retreat in January.


Councilman Dills: queried where the City Council might recommend flex office space within the city and its zoning. Mr. Cahoon suggested the possibility of creating flex business zone and allowed uses within that zone.

Councilwoman Petty: announced Breakfast with Santa will be held Saturday, December 17th from 8 a.m. to 9:30 a.m. at the Family Activity Center. Cost is \$2 per person. Tickets are available on the city website or can be purchased at the door with cash.

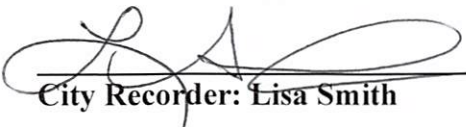
Community Services Director Trevor Cahoon: reported the Planning Commission met to review the R-5 Zone with an R-7 overlay. They also recommended Peterson Farms PUD amended plat for approval and examined updating city standards. The state is requiring minor changes to the moderate-income housing plan including more obtainable dates on the capital facilities plan for infrastructure. He is waiting to hear back from the state as to whether it needs to be included in the city's General Plan.

City Manager David Larson: announced he attended a meeting with Mark Larsen and Jones & Associates concerning rules that have been changed for lead and copper. The Public Works Department will be required to complete an inventory of the entire system by September 2024.

ADJOURN: Councilwoman Alberts moved to adjourn the meeting at 8:04 p.m. Councilwoman Petty seconded the motion. Mayor Westbroek called for a vote. Council Members Alberts, Dills, Halverson, and Petty voted aye. The motion carried.

APPROVED:  Date 1-10-2023
Mayor: Rod Westbroek


Transcriber: Michelle Clark

Attest: 
City Recorder: Lisa Smith