

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 10 March 2016

TIME COMMENCED: 6:31 p.m.

PRESENT: COMMISSIONERS:

Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton
Wayne Winsor

CITY PLANNER:

Barry Burton

CITY MANAGER:

Tom Smith

CITY RECORDER:

Elyse Greiner

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Walton

VISITORS: Dan Murray and Sarah Kap

APPROVAL OF THE MEETING MINUTES – Commissioner Pitts

- 25 February 2016

Commissioner Walton moved to approve the meeting minutes of 25 February 2016 as written. Commissioner Winsor seconded the motion. Commissioners Johnson, Osborne, Pitts, Walton, and Winsor voted yes. The motion carried.

APPROVAL OF THE AGENDA: Commissioner Winsor moved to approve the agenda as written. Commissioner Johnson seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST: None

Administrative Actions (Application of Ordinances):

Commissioner Winsor moved to open the public hearing for Conditional Use Permit: request for Essential Learning Preschool located at 2456 E. Deer Run Dr. (Parcel 13-139-0002), by applicant Sarah Kap. Commissioner Pitts seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

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

Public Hearing and Action on Conditional Use Permit: request for Essential Learning Preschool located at 2456 E. Deer Run Dr. (Parcel 13-139-0002), by applicant Sarah Kap. Sarah Kap said she would like to do a preschool. Hours will be Monday and Wednesday with two classes from 9 a.m. to 11:30 or 12:00 p.m. and 12:30 p.m. to 3 p.m. She said there will be no more than 15 students per session. The ages will be three to five year olds. There will be no employees.

There was no public comment.

Commissioner Winsor moved to close the public hearing for Conditional Use Permit: request for Essential Learning Preschool located at 2456 E. Deer Run Dr. (Parcel 13-139-0002), by applicant Sarah Kap. Commissioner Pitts seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

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

Commissioner Walton asked if she is aware of any bus stops near her home. She said there is a bus stop to the east and to the west and she is trying to work it out so that there isn't a conflict with them.

Commissioner Johnson moved to approve Conditional Use Permit: request for Essential Learning Preschool located at 2456 E. Deer Run Dr. (Parcel 13-139-0002), by applicant Sarah Kap. Commissioner Walton seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

Commissioner Walton moved to open the public hearing for Preliminary Subdivision: application for South Weber Drive Commercial Subdivision (2 lots), located at approx. 2470 E. South Weber Dr. (Parcel 13-034-0044), 4.23 acres; developer: Dan Murray. Commissioner Winsor seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

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

Public Hearing and Action on Preliminary Subdivision: application for South Weber Drive Commercial Subdivision (2 lots), located at approx. 2470 E. South Weber Dr. (Parcel 13-034-0044), 4.23 acres; developer: Dan Murray.

There was no public comment.

Barry Burton's memo of 7 March 2016 is as follows:

APPLICANT: Murray Family Holdings (Dan Murray)

REQUEST: Preliminary Plat approval South Weber Drive Commercial Subdivision.

GENERAL INFORMATION: This property at the northwest corner of South Weber Drive and 2700 East (Frontage Rd.) is zoned C-H. The C-H zone has no minimum lot size requirements but this property has long been anticipated as strip of commercial use along South Weber Dr. The proposal is to divide one .8 acre lot off of the east end of the strip leaving the remaining 3.44 acres to be divided in the future as buyers or tenants are found. Utilities are available to the site and we have will serve letters. Secondary water is only available to a portion of the property. The developer is asking that we allow the east end of the property be allowed to develop using culinary water for landscaping, but the landscaping will be xeriscaping.

TITLE REPORT: The title report is fairly benign noting only that records are not yet available to determine if 2015 taxes have been paid.

GEOTECHNICAL REPORT: This report does not contain any red flags for development of the property. There are areas where non-engineered fill has been placed from depths of 1.5’ to 6’. If structures are to be built in these areas, the fill must be removed and, if necessary, replaced with structural fill. Because of the variation of the fill across the site, it recommends that a geotechnical engineer be employed to assure that all unconsolidated fills are removed prior to any building construction.

STAFF RECOMMENDATION: I recommend granting preliminary approval to this subdivision with the provision that all recommendations of the geotech report be followed and a recommendation to allow culinary water to be used for a water conservative type landscaping on the portion of the subdivision that has no secondary water.

Brandon Jones memo of 9 March 2016 is as follows:

Our office has completed a review of the preliminary plans received on February 24, 2016.

General Items:

- 1. UDOT has granted access to the three driveway locations shown on the preliminary plat, and all driveways will be constructed as a part of Phase 1.
- 2. A Geotechnical Report has been received. All concerns will be addressed at the time when the building is being constructed.
- 3. It is our understanding that there is not sufficient secondary water infrastructure available in order to serve the east end of the property. Culinary water is the only option.
- 4. The storm drain lines and detention basin will be private.

Recommendation: We recommend that preliminary approval be granted subject to the following conditions:

- 5. Our office will provide address information for the final plat.
- 6. Final Plat to have a 15’ sewer easement and a 10’ water easement, for any location where the lines are considered public (the City will not be responsible for any private lines).
- 7. Obtain a letter from the South Weber Secondary Water Improvement District stating that they do not have the ability to serve the east end of the property with secondary water.
- 8. The Public Works Staff will have to approve the culinary/secondary service connection. 9. The sidewalk needs to be extended at the east end of the property.

Commissioner Winsor moved to close the public hearing for Preliminary Subdivision: application for South Weber Drive Commercial Subdivision (2 lots), located at approx. 2470 E. South Weber Dr. (Parcel 13-034-0044), 4.23 acres; developer: Dan Murray. Commissioner Pitts seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

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

Dan Murray approached the Planning Commission. Commissioner Osborne asked about the secondary water issue. Mr. Murray said he will approach South Weber Water Improvement District for a letter stating they don't have the ability to supply water and that his alternative would be to obtain it through Staker Parsons. Commissioner Osborne feels good about that and suggested that be a requirement subject to approval. Commissioner Walton suggested the letter state exactly why they can't supply the water.

Barry said there are conditions stated in the geotechnical report that need to be met when it comes time to development.

Commissioner Winsor moved approve of the Preliminary Subdivision: application for South Weber Drive Commercial Subdivision (2 lots), located at approx. 2470 E. South Weber Dr. (Parcel 13-034-0044), 4.23 acres; developer: Dan Murray subject to the following:

- 1. All City fees are paid.**
- 2. Revised will serve letter from South Weber Water Improvement District identifying whether or not they will or will not serve the property. If they cannot, tell why.**
- 3. Follow Geotechnical Report**
- 4. Brandon Jones memo 9 March 2016.**

Commissioner Johnson seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

Commissioner Osborne asked about the sewer line. Barry explained the location of the sewer line and the easement. He said any public line has to have an easement.

Legislative Recommendations (Discretionary):

Commissioner Winsor moved to open the public hearing for Land Use Ordinance: Amendments to Code Sections 10.03.050C (Powers and Duties); 11.02.010B3 & 5 (General Responsibilities); and adding H. to 1.05.060 (Ordinances and Resolutions; Procedures). Commissioner Pitts seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

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

Public Hearing and Action on Land Use Ordinance: Amendments to Code Sections 10.03.050C (Powers and Duties); 11.02.010B3 & 5 (General Responsibilities); and adding H. to 1.05.060 (Ordinances and Resolutions; Procedures).

There was no public comment

Commissioner Johnson moved to close the public hearing for Land Use Ordinance: Amendments to Code Sections 10.03.050C (Powers and Duties); 11.02.010B3 & 5 (General Responsibilities); and adding H. to 1.05.060 (Ordinances and Resolutions; Procedures).

Commissioner Winsor seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

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

Commissioner Winsor questioned the language stating “*The City Council shall not hold any public hearing for any land use ordinances, applications, or amendments unless specifically required by: (1) state law; or (2) a procedural motion approved by the City Council*”. Tom said the City needs a procedure for public hearings because so many are unnecessary and are a tax payer expense. Commissioner Osborne is concerned that the City Council will now not have the opportunity to hear from the public. Tom said the City Council is concerned about the budget. Commissioner Johnson said the public does have an opportunity for public comment with the Planning Commission. Barry said the public does have opportunity for comment during the amending of the general plan. Commissioner Osborne would like to talk to the Council and see what they think. Commissioner Winsor said the Planning Commission is suppose to be an independent body, but he respects Commissioner Osborne’s decision. Commissioner Pitts feels a City Council meeting should allow the opportunity for public comment.

Commissioner Winsor moved to recommend approval of Land Use Ordinance: Amendments to Code Sections 10.03.050C (Powers and Duties); 11.02.010B3 & 5 (General Responsibilities); and adding H. to 1.05.060 (Ordinances and Resolutions; Procedures). Commissioner Walton seconded the motion. Commissioners Osborne, Pitts, Johnson, Walton, and Winsor voted yes. The motion carried.

Discussion Items (No Action Taken):

PLANNING COMMISSION COMMENTS:

Commissioner Pitts:

Status of Signs on South Weber Drive by Maverik: Commissioner Osborne said Council Member Hyer is working with UDOT.

Commissioner Winsor:

Staff Appreciation: He thanked the City staff for putting together the packets and the opportunity to serve with the Planning Commission.

ADJOURNED: Commissioner Johnson moved to adjourn the Planning Commission meeting at 7:11 p.m. Commissioner Pitts seconded the motion. Commissioners Johnson, Osborne, Pitts, Walton, and Winsor voted yes. The motion carried.

APPROVED: _____ **Date**
Chairperson: Rob Osborne

Transcriber: Michelle Clark

Attest:

City Recorder: Elyse Greiner

SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

DATE OF MEETING: 10 March 2016

TIME COMMENCED: 6:00 p.m.

PRESENT: COMMISSIONERS:

Debi Pitts
Rob Osborne
Wes Johnson
Wayne Winsor
Taylor Walton

CITY PLANNER:

Barry Burton

CITY MANAGER:

Tom Smith

CITY RECORDER:

Elyse Greiner

Transcriber: Minutes transcribed by Michelle Clark

VISITORS: Dan Murray

Approval of Meeting Minutes of 25 February 2016: There were no amendments to the minutes.

Elyse gave the Planning Commission copies of the information for State Child Care Licensing Rules.

Elyse stated the application deadline to be placed on the Planning Commission agenda has been changed to three weeks in advance. She reported there will not be a meeting held on 24 March 2016.

Administrative Actions (Application of Ordinances):

Public Hearing and Action on Conditional Use Permit: request for Essential Learning Preschool located at 2456 E. Deer Run Dr. (Parcel 13-139-0002), by applicant Sarah Kap:

The Planning Commission discussed the distance between other preschools and whether or not there is a regulation for that since this preschool is around the corner from another preschool. Barry said there is no regulation on distance between schools.

Elyse read from the State licensing rules concerning if the City requires a provider to have a state license regardless of the number of children in care, the hours of care, or the days per week, we will issue a license and the provider will have to adhere to the rules.

Public Hearing and Action on Preliminary Subdivision: application for South Weber Drive Commercial Subdivision (2 lots), located at approx. 2470 E. South Weber Dr. (Parcel 13-034-0044), 4.23 acres; developer: Dan Murray: Commissioner Osborne questioned the date of

the preliminary application being 24 February 2016 and is concerned because that was after the land use regulation ordinance was approved. Elyse reported a Sketch Plan Meeting was held on 4 February 2016; therefore, the developer can move forward with the preliminary request. Tom said an application constitutes any land use application.

Commissioner Osborne discussed his concerns with the secondary water. He doesn't understand why 2.3 acres is approved and not the other. It is his understanding that Mr. Murray only asked for secondary water for 2.3 acres (east side). Mr. Murray said when he processed the Maverik application across the street, at that time; South Weber Water Improvement District told him he would have a problem on the opposite side of the street getting secondary water. He is aware that they couldn't provide him with water, but right now a portion of the property that he owns has Staker Parsons berm on it. He has approached Parsons to allow him to take the water that has been used on the berm to use it on his land. He said Parsons has been acceptable to that. He said Parsons started with 4,244 gallons per day. He said Dax Maxfield, of Staker Parsons, told them they don't have enough water to keep the berm green. He said in the CC&R's that have been prepared are calling out that we would have the right to use 2,800 gallons a day, but on the west portion that we are proposing to use it, some of the area could have grass. He would like to take the east portion and do xeriscaping and on the west side allow some grass and specific trees (listed in the CC&R's). Mr. Murray said when he purchased the property, he didn't have any rights to Parsons water, but he is trying to work with Dax to work out the water situation. Mr. Murray said he would like to have some green, but would like to put the plants on a drip system to help use less culinary water. Commissioner Osborne referred to Brandon Jones memo of 9 March 2016. Commissioner Winsor said the South Weber Water Improvement District states in their letter of 16 February 2016 that they cannot provide secondary water to Mr. Murray's east lot of 2.1 acres. Barry isn't sure just because the property is in the South Weber Water Improvement District that they can provide secondary water. Commissioner Pitts referenced Mr. Murray's CC&R's section 4.8 concerning Parsons reserving the right to terminate the delivery of secondary water to landscape Area B at any time with 60 days notice.

Legislative Recommendations (Discretionary): (No discussion on this item)

Public Hearing and Action on Land Use Ordinance: Amendments to Code Sections 10.03.050C (Powers and Duties); 11.02.010B3 & 5 (General Responsibilities); and adding H. to 1.05.060 (Ordinances and Resolutions; Procedures).

ADJOURNED: 6:30 p.m.