

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 11 May 2017

**TIME COMMENCED:** 6:32 p.m.

**PRESENT: COMMISSIONERS:**

Tim Grubb  
Debi Pitts (excused)  
Rob Osborne  
Wes Johnson  
Taylor Walton

**CITY PLANNER:**

Barry Burton

**CITY RECORDER:**

Elyse Greiner

**CITY MANAGER:**

Tom Smith

**Transcriber:** Minutes transcribed by Michelle Clark

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

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**PLEDGE OF ALLEGIANCE:** Commissioner Johnson

**VISITORS:** Peter Mason, Craig Jacobsen, Ivan Ray, Rob and Shawna Edwards, Lou Ann Ray, Bryan Soderquist, Blake Soderquist, Becca Reisbeck, and Michael Poff.

## **APPROVAL OF MEETING MINUTES**

- **April 13, 2017**

Commissioner Osborne excused Commissioner Pitts from tonight's meeting.

Commissioner Johnson moved to approve the meeting minutes of 13 April 2017 as amended. Commissioner Walton seconded the motion. Commissioners Johnson, Osborne, and Walton voted yes. Commissioner Grubb abstained. The motion carried.

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

**DECLARATION OF CONFLICT OF INTEREST:** None

**Commissioner Grubb moved to open the public hearing for rezone application for property located at approximately the northeast corner of 6650 S. 475 E. (Parcel 13-006-0025), for approximately .42 acres, to be rezoned from Residential Moderate (R-M) to Residential High (R-H) by applicant Peter Matson with Ovation Homes. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, and Walton voted yes. The motion carried.**

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

**Public Hearing on Rezone: Application for property located at approx. the NE corner of 6650 S. 475 E. (Parcel 13-006-0025), approximately .42 acres, be rezoned from Residential Moderate (R-M) to Residential High (R-H) by applicant Peter Matson with Ovation Homes:** Peter Matson, with Ovation Homes, approached the Planning Commission. He said this is a rezone request for an R-H Zone covering the Old Maple Farms townhomes. The rezone area will accommodate the extension of the road and a turn-around from the town home project.

Commissioner Osborne asked if there was any public comment. There was none.

**Commissioner Johnson moved to close the public hearing for rezone application for property located at approximately the northeast corner of 6650 S. 475 E. (Parcel 13-006-0025), for approximately .42 acres, to be rezoned from Residential Moderate (R-M) to Residential High (R-H) by applicant Peter Matson with Ovation Homes. Commissioner Walton seconded the motion. Commissioners Grubb, Johnson, Osborne, and Walton voted yes. The motion carried.**

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

Commissioner Osborne asked about the parking. Peter said this is a rezone request and not a site plan review but did explain the parking. Commissioner Osborne suggested the developer look at snow removal and parking. Commissioner Grubb said it is under the 9.5 acres for one area with fits within the ordinance. Discussion took place regarding the developer being able to construct apartments or town homes because of the zoning.

**Commissioner Johnson moved to recommend approval of the rezone application for property located at approximately the northeast corner of 6650 S. 475 E. (Parcel 13-006-0025), for approximately .42 acres, to be rezoned from Residential Moderate (R-M) to Residential High (R-H) by applicant Peter Matson with Ovation Homes. Commissioner Walton seconded the motion. Commissioners Grubb, Johnson, Osborne, and Walton voted yes. The motion carried.**

**Commissioner Grubb moved to open the public hearing for the proposed street vacation on a portion of 7400 S. Commissioner Walton seconded the motion. Commissioners Grubb, Johnson, Osborne, and Walton voted yes. The motion carried.**

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

**Public Hearing on Proposed Street Vacation on portion of 7400 S.:** Barry Burton, City Planner, pointed out the section line and the 60' right of way on the map. He said at one time this was South Weber Drive. He said South Weber Drive has since been realigned. Barry said the City had a recent subdivision come in on a parcel adjacent to 7400 S. Barry said the drawings were prepared when the City previously looked at vacating a portion of 7400 South back in 2014. However, at that time, we were only looking at the property from the well house east to South Weber Drive. We did not feel that there was any right-of-way that existed west of that line. However, since Ivan Ray has pointed out that there is still a "prescriptive / right-of-use" right-of-way from South Weber Drive all the way through to 1550 East. Barry said the City hasn't used this as a public right of way for years. He said at this point in time, the City staff thinks it is prudent for the City to vacate and make it clear that this is not a public street. He said the City doesn't want to maintain it. Barry stated if the street is vacated the property will go to the adjacent property owner.

**Ivan Ray, 7268 S. 1600 E.,** approached the Planning Commission. He said Ray's has two parcels with the corner lot being a house and the other the old store. (See Attached - Mr. Ray's Letter of 9 May 2017). He reviewed proposal #1 He is concerned about the asphalt that wasn't replaced on the east end. He has developers who are looking to develop his property.

**Rob Edwards, 68 N. 700 W. Kaysville, UT, Real Estate Agent,** discussed the economic affects to the Ray property if this access was taken away. He asked how the property is distributed if the road is vacated. Barry identified the property on the map. Mr. Edwards said the Rays are concerned about LouAnn Ray's parcel being land locked. He said they have a prospective buyer on the property as well.

**Michael Poff, 939 South Weber Drive,** is concerned about getting rid of stuff just to get rid of stuff. He suggested the Planning Commission use caution in vacating. He understands the nearby PUD is in need of parking and said this property could help. He said if there is someone interested in the purchase of the property, he would suggest the City wait.

Barry discussed the intersection from 7400 South and South Weber Drive and said UDOT will not allow access to South Weber Drive because of the location.

**Becca Reisbeck, 7581 S. 2020 E.,** said the vacation of the road will go to the Rays and to them (Broadview Point Subdivision) and they have an interest to access their property. She is concerned about who will maintain the access and how it will impact them. She said the cost will fall on them if there is thoroughfare access.

Barry said the fact that there may or may not be a public right of way needs to be researched. Mr. Ray and Mr. Edwards requested more time to research it.

**Commissioner Johnson moved to close the public hearing for the proposed street vacation on a portion of 7400 S. Commissioner Grubb seconded the motion. Commissioners Grubb, Johnson, Osborne, and Walton voted yes. The motion carried.**

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

Commissioner Johnson questioned Mr. Ray about the information he has concerning the history of South Weber Drive. He would like the Planning Commission to be able to review this information. Mr. Edwards said they have contacted a title company to help put together some information.

**PUBLIC COMMENTS:** None

**PLANNING COMMISSION COMMENTS:**

**Commissioner Grubb:** He is concerned with the amount of development going on in the west end and what is master planned coming off the freeway and onto the frontage road. He said if the City Council isn't in support of what has been master planned, then he would suggest looking at alternatives. He said the City Council voted not to participate with the developer and therefore, the City lost out on \$300,000 that the developer was willing to donate in construction of the road.

**Commissioner Osborne:** He suggested beginning the next Planning Commission meeting at 5:30 p.m. to discuss Old Fort Road.

**ADJOURNED:** Commissioner Grubb moved to adjourn the Planning Commission meeting at 7:20 p.m. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, and Osborne 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:** 11 May 2017

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

**PRESENT: COMMISSIONERS:**

**Tim Grubb  
Debi Pitts (excused)  
Rob Osborne  
Wes Johnson  
Taylor Walton**

**CITY PLANNER:**

**Barry Burton**

**CITY RECORDER:**

**Elyse Greiner**

**CITY MANAGER:**

**Tom Smith**

**Transcriber:** Minutes transcribed by Michelle Clark

**VISITORS:** Peter Matson

**Approval of Minutes of 13 April 2017: no discussion on this item**

**Public Hearing on Rezone: Application for property located at approx. the NE corner of 6650 S. 475 E. (Parcel 13-006-0025), approximately .42 acres, be rezoned from Residential Moderate (R-M) to Residential High (R-H) by applicant Peter Matson with Ovation Homes:**

This is a rezone request for an R-H Zone covering the Old Maple Farms townhomes. The rezone area will accommodate the extension of the road and a turn-around from the town home project. Commissioner Grubb asked about the total acreage. Barry Burton, City Planner, said it fits in the 9.5 acreage. Commissioner Johnson stated until Old Maple Farms gets their roads in, we will be facing the 30-unit limit for one access. Tom Smith, City Manager, said this rezone is for phase 3. Commissioner Walton asked if there is enough room for a fire truck to turnaround. Barry said it shouldn't be an issue. Peter verified the acreage of the town home project is 7.54 acres and the .42 acres is within that acreage.

**Public Hearing on Proposed Street Vacation on portion of 7400 S.:** Barry Burton, City Planner, said if you look on the map behind Ray's there is a strip of land that is part of the lot that we have looked at in the past and there are a couple other pieces of land south of the old home and then there is another piece that goes all the way out to South Weber Drive. He said section line is the center of 7400 South. He then identified the piece that is identified as public property on the map. He said since this subdivision has come in, Ivan Ray, claims it is still a roadway. He said in the old days that road was South Weber Drive, but the problem is, if it wasn't dedicated and we quit using it, then is reverted back to the owners, but doesn't mean the right to use it goes away. He said under state law if you use a cow path for regular use for 10 years, it becomes a public highway. He said Mr. Ray is making the argument that this is a public right of way. He said even if it is a public right of way, South Weber City does not want to

maintain it and doesn't have a use for it. Commissioner Grubb said it isn't a use for our City. Commissioner Johnson asked if it has to be put up for sale. Barry said, "no". He explained that once it is vacated then it goes to the adjacent property owners. Barry said you can have a public right of way that doesn't belong to a public entity. Tom said the City doesn't want the responsibility for the road. Discussion took place concerning whether or not the City receives Class C road money for this road. Tom said he isn't sure the City receives anything for this road. Commissioner Walton doesn't see a reason why the City shouldn't vacate it.

**PLANNING COMMISSION COMMENTS:**

**Commissioner Johnson:** He asked about the City owned property on the S-curve and the concern that if more units go in this area, the City's sewer system can't support it. He said if that property is left commercial, there isn't a problem with the sewer. Barry discussed the limitations for this property for the residential high density being 9.5 acres. Commissioner Grubb asked about requiring a developer to upgrade the sewer system in that area. Commissioner Johnson said there is also an issue with those units being so close to the gravel pit.

**ADJOURNED: 6:30 p.m.**

**APPROVED:**

\_\_\_\_\_ **Date**  
**Chairperson: Rob Osborne**

\_\_\_\_\_ **Transcriber: Michelle Clark**

**Attest:** \_\_\_\_\_ **City Recorder: Elyse Greiner**