

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 23 October 2014

TIME COMMENCED: 6:34 p.m.

PRESENT: COMMISSIONERS:

Delene Hyde
Rob Osborne
Wes Johnson
Rod Westbroek (excused)
Wayne Winsor

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones

DEPUTY RECORDER:

Elyse Greiner

CITY ENGINEER:

Brandon Jones

CITY MANAGER:

Duncan Murray

Transcriber: Minutes transcribed by Michelle Clark

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

VISITORS: Wyndell Pasch, Blair Gardner, Kristi Kap, Doug Clark, Aaron Haaga, Linda Marvel, Mark Burnett, Brent Johnson, Robert Flinders, Nick Jensen, Nate Boyce, Vic Berrett, Carol Christensen, Brandon Hunt, Paul Sutton, Mike Levergood, James Durrant, Jackson Murphy, Broc Finlinson, Clayton Tayler, Jade Lemons, Jake Porter, Christopher Garner, Parker Goddard, Dylan Reaves, Daryl Dickson, and Justin Campbell.

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

APPROVAL OF MINUTES OF 25 SEPTEMBER 2014:

Commissioner Johnson moved to approve the minutes of 25 September 2014 as written. Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

Commissioner Hyde excused Commissioner Westbroek from tonight's meeting.

DECLARATION OF CONFLICT OF INTEREST: None

Rezone and Development Agreement for Future Homes' Orange Grove Subdivision located at 2600 E. 8000 S. (Public Hearing was September 25, 2014): This property is approximately 4.54 acres on 2600 E. 8000 S. (Parcel #'s 13-041-0120 and 13-041-0119) be changed from a Residential Moderate Zone (RM) to a Residential Patio Zone (RP). The public hearing held before the Commission was on September 25, 2014. Due to the public comment received during the hearing, the Commission wanted assurances that if the rezone was granted, the affiliated Orange Grove subdivision would be developed as explained by the developer. The request was tabled at the September meeting and will now receive action by the Planning Commission on October 23, 2014 in tandem with a development agreement.

Blair Gardner, co-owner of this project, stated this property is on 4.54 acres. He said no more than 19 residential units will be built for this project. He explained that residential units will be no taller than 25 feet and no more than one floor or level above ground. He said they have decided the street name will be Sunshine. Blair said the layout is to help accommodate 55 years or older. He said there may or may not be basements. These are private lots. He explained that the Home Owner's Association (HOA) will maintain the main landscaping. The HOA will also be responsible for snow removal. He said building guidelines will be required for all residential units (Exhibit A) and landscaping guidelines will be required for the property (Exhibit B). Blair explained that they have provided a development agreement with the City. He said we need to talk more about the 25 ft. height requirement because of the topography. Blair then reviewed photos of different home styles. He said some lots will satisfy a three car garage but there will be at least a two car garage. He then reviewed photos of interiors. He then reviewed photos of landscaping options. Commissioner Johnson asked if they will be considering drought tolerant plants. Blair said they are willing to entertain that. Brandon asked who runs the sprinkling system. Blair said we install the front yard and anything installed by the HOA is maintained. He said back yards have more flexibility but front yards do not.

Barry discussed the development agreement. He said the following items will be the primary responsibilities of the Owner, if the City approves of the zone change and subdivision plat:

- a. The Owner shall build the subdivision improvements and the residential units on the Property according to the terms of the plans and documents submitted to the City.
- b. The Owner agrees to be bound by the reversion clause in this Agreement and in the ordinance approving of the zone change.
- c. The Owner acknowledges that no more than 19 residential units will be built on the Property.
- d. The Owner acknowledges that each residential unit will be no taller than 25 feet, and no more than one floor or level above ground.
- e. The Owner warrants that the main landscaping of the Property will be maintained by a Home Owners Association, as stated in Section 3.7 of the proposed CC&R's.
- f. The Owner warrants that the Property will be designated as an age 55 and over community, as stated in Section D and in Section 2.8(a and b), the "Housing for Older Persons Age Restriction" of the proposed CC&R's.
- g. The Owner also warrants that the building guidelines will be required for all of the residential units, such that all of the units will be constructed in a substantially similar manner to the specifications, drawings, and/or visual depictions attached hereto as Exhibit "A."

- h. The Owner warrants that the landscaping guidelines will be required for the Property, such that the landscaping will be constructed in a substantially similar manner to the specifications, drawings, and/or visual depictions attached hereto as Exhibit “B.”
- i. Finally, The Owner agrees to enter into a separate “Cost Sharing Agreement” to make payment of a fee in lieu of detaining storm water on site, as agreed upon by the Owner and the City.

He said it addresses the Duration and Reversion Clause which states, *“This Agreement shall continue until the parties (the Owner and South Weber City) have completed all of their responsibilities referenced herein; however, the zoning for the Property shall automatically lapse back to Residential Moderate (RM) if subdivision improvements have not been commenced within one year of the date of this Agreement or if subdivision improvements are not substantially completed within two years of the date of this Agreement; except that these deadlines may be extended by an amended Development Agreement. A reversion clause containing this verbiage shall be placed in the ordinance approving of the zone change”.*

Linda Marvel, 8087 S. 2700 E., asked if a fence is required around the subdivision. Commissioner Hyde said the developer must abide by City ordinance concerning fencing.

Commissioner Winsor moved to recommend to the City the approval of the Rezone and Development Agreement for Future Homes’ Orange Grove Subdivision located at 2600 E. 8000 S. . Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

Commissioner Osborne moved to open the public hearing for Preliminary Plan Application for Orange Grove Subdivision (19 lots), located at approximately 2600 E. 8000 S. (Parcel #'s 13-041-0120 and 13-041-0119), 4.54 acres; Developer: Future Homes LLC Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Preliminary Plan Application: Orange Grove Subdivision (19 lots), located at approximately 2600 E. 8000 S. (Parcel #'s 13-041-0120 and 13-041-0119), 4.54 acres; Developer: Future Homes LLC (no action to be taken at this meeting): Commissioner Hyde asked if there is any public comment.

Brent Johnson, 8105 S. 2350 E., asked about sound proofing of the walls in the homes because it is close to the highway. Blair said there will be above level insulation. He said there will be a decorative sound wall in the front of the subdivision which should help with sound as well.

Vic Berrett, 8070 S. 2575 E., is curious of the square footage. Blair said the homes will be approximately 1500 sq. ft. to 2000 sq. ft livable square feet. He said there will be berm on the west side of the property. He then explained the storm drain plan connecting to Deer Run Drive.

Mark Burnett, 8021 S. 2700 E., questioned the City’s requirements for buffer yards. Barry said there are options on the buffer yard with a minimum of 10 ft. requirement. He said we have not discussed those things with the developer at this time, but it will be discussed. Mr. Burnett said he wants to make sure this is addressed.

Brent Johnson asked what the time line is on this development. Wyndell Pasch said they will start next year.

Nathan Boyce, 8080 S. 2575 E., questioned the fencing and stated a lot of 55 years and older have pets. He is concerned about fencing and who maintains the landscaping. Blair said we can still maintain a fenced in yard. Mr. Boyce asked what happens if they start developing and something happens, what makes the development revert. Barry read the reversion clause. Brandon said if part of the improvements are installed you really can't revert. Wyndell said this will be a one phase project. Barry explained that the City requires a guarantee because the developer is required to bond for improvements before they even start construction.

Carol Christensen, 8143 S. 2475 E., asked if the 55 years and up is for ownership or residency. It was stated that the developer is proposing the property to be designated as an age 55 and older community, as stated in Section D and in Section 2.8(a and b), the "Housing for Older Persons Age Restriction" of the proposed CC&R's.

Brandon asked how the developer will handle resale of the property. Blair said the HOA governs who the next buyer is.

Vic Barrett asked about an approximate cost. Blair said approximately \$225,000 to \$300,000.

Commissioner Winsor moved to close the public hearing for Preliminary Plan Application for Orange Grove Subdivision (19 lots), located at approximately 2600 E. 8000 S. (Parcel #'s 13-041-0120 and 13-041-0119), 4.54 acres; Developer: Future Homes LLC. Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Commissioner Hyde said no action will be taken on this item tonight until the rezone is approved by the City Council.

Commissioner Osborne said it sounds like the HOA has a lot on its plate and its sounds like a lot of policing for them. Blair explained that he prefers the homeowners become members of the HOA. He discussed the pros of an HOA. He said they will provide a template of the CC&R's and template of the HOA bylaws to the City.

Commissioner Hyde reminded the developer that all items need to be addressed that were listed at the Sketch Plan Meeting.

Commissioner Winsor moved to open the public hearing for Rezone Application: Request from Aaron Haaga for approx. 1.513 acres located at 7470 S. 1900 E. (Parcel # 13-033-0060) from Agricultural Zone (A) to a Residential Moderate Zone (RM). Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Rezone Application: Request from Aaron Haaga for approx. 1.513 acres located at 7470 S. 1900 E. (Parcel # 13-033-0060) from an Agricultural Zone (A) to a Residential Moderate Zone (RM): Aaron Haaga, 5312 Woodcrest Drive Salt Lake City, Utah, approached the Planning Commission and stated he is requesting a rezone of 1.513 acres located at 7470 S. 1900 E.

Commissioner Hyde asked if there was any public comment.

Paul Sutton, 7503 S.1980 E., asked about the number of lots. Commissioner Hyde clarified the number of lots.

Mike Levergood, 1964 E. 7550 S., HOA President for Cedar Cove, said the HOA voted against connecting the two developments years ago. He explained that the HOA met last night and voted no to connect the two developments again. Mike said he is concerned about what was said in the work meeting about Cedar Cove Park being held over the HOA. Commissioner Hyde reminded Mr. Levergood that this is only about the rezone.

Commissioner Johnson moved to close the public hearing for Rezone Application: Request from Aaron Haaga for approx. 1.513 acres located at 7470 S. 1900 E. (Parcel # 13-033-0060) from Agricultural Zone (A) to a Residential Moderate Zone (RM). Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Commissioner Johnson moved to recommend to the City Council to approve the Rezone Application: Request from Aaron Haaga for approx. 1.513 acres located at 7470 S. 1900 E. (Parcel # 13-033-0060) from Agricultural Zone (A) to a Residential Moderate Zone (RM). Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

Commissioner Osborne moved to open the public hearing for Preliminary Plan Application for Udy Acres Subdivision (9 lots), located at approximately 7470 S. 1900 E. (Parcel #'s 13-033-0060, 13-033-0061, and 13-033-0064), 3.2 acres; Developer: Aaron Haaga. Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Preliminary Plan Application: Udy Acres Subdivision (9 lots), located at approximately 7470 S. 1900 E. (Parcel #'s 13-033-0060, 13-033-0061, and 13-033-0064), 3.2 acres; Developer: Aaron Haaga: Aaron Haaga, developer, stated they are proposing adding seven lots to the Udy and Flinders property. He said this development will not infringe upon the private property rights of the Cedar Cove Subdivision.

Commissioner Hyde asked if there was any public comment.

Mike Levergood, 1964 E. 7550 S., said the primary concern is the width of the roads in the PUD and there is a public easement to the park in Cedar Cove PUD. He said 7550 South is used heavily. He said if there is a connection made he would be concerned about the safety. He said they will be installing two speed bumps in the PUD this year to help with safety concerns. He said the HOA is not in favor of the connection.

Robert Flinders, 7486 S. 1900 E., said he has always been against the connection from Cedar Cove to 1900 East because of the safety concerns.

Brandon Hunt, 1950 E. 7550 S., said there are a lot of people that use the one way street illegally. He asked the City’s opinion on that road if public access were to be granted in this subdivision. Brandon Jones, City Engineer, questioned if when the one way road was installed, whether or not it was ever discussed that if the access is made in the subdivision, would the one way road change.

Mr. Haaga referred to the minutes of the Sketch Plan Meeting of 4 May 1999.

Discussion took place regarding the road connection. Mr. Haaga stated the City is adamant about protecting the PUD rights. Brandon recommends the street be built in fashion that the street could be connected. He feels the option should be there. He said if the HOA chooses to keep it closed, they can. Paul Sutton said it would be beneficial to the residents of the new development to allow for less traffic and safer for their children.

Darrell Dickson, 1976 E. 7470 S. (didn’t sign in), asked if there is a turnaround, if there will be less than 7 units. Brandon said those two lots don’t meet the minimum requirements for the City. He said given the acreage there will be only be 6 lots.

Commissioner Winsor moved to close the public hearing for Preliminary Plan Application for Udy Acres Subdivision (9 lots), located at approximately 7470 S. 1900 E. (Parcel #'s 13-033-0060, 13-033-0061, and 13-033-0064), 3.2 acres; Developer: Aaron Haaga. Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

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

Brandon Jones said given that the two lots don’t meet the City’s requirements, it appears that it might be a good idea to stub a road to the north (that would count as the turnaround) and eliminate the actual turnaround. He said this would shape the road better. He said he is concerned that the property to the north, if it is not stubbed, can only access to South Weber Drive, and a variance from UDOT would need to be required because of the location. He would recommend that to the Planning Commission. He said if the developer does stick with the original plan, then it would need to be a permanent turnaround.

Brandon then reviewed his letter of October 2, 2014. It includes the following items being addressed prior to seeking final approval from the Planning Commission.

GENERAL

1. One of the major issues with this subdivision is the connection of a public road with the existing private road in the Cedar Cove PUD Subdivision. This was a concern the last time this property was proposed to be developed. In

the research that we've done, it is clear that the intent was for 7470 South to connect to 1900 East. We strongly recommend that this connection be made, as proposed.

2. Another issue is access to the Bingham property, north of this proposed development. No stub street is being proposed to the north. This means that the Bingham property will only have one option for access when they choose to develop; onto South Weber Drive at 1950 East. There is only approximately 350 feet between the intersections of 1900 East and 1950 East. This does not meet the spacing requirement that UDOT requires between intersections on a 40mph road; so, at best, a variance to this requirement would need to be granted in order for this property to develop at all. We feel it would be better to have the Bingham property access from the new public road being proposed, rather than South Weber Drive. However, this is not specifically addressed in the General Plan. So, we are just bringing it to the Planning Commission's attention and recommending that it be looked at.

PLAT

3. The turnaround should be shown as permanent (not temporary) over Lots 5 and 6. If permanent public access can be acquired from Cedar Cove PUD on 7470 South up to and including the intersection at 1980 East, then a turnaround would not be required.

4. The road should be labeled at 7470 South.

5. Addresses need to be added. These will be provided by our office.

IMPROVEMENT PLANS

6. In the Sketch Plan Meeting, we requested that the existing utilities be pot-holed in order to verify their locations. To our knowledge this has not been done. We are concerned that unless correctly located, there is a possibility that some of the utilities may not end up located under the asphalt.

7. It does not make sense to try and put a small detention basin on this property. However, all development is required to detain at 0.1 cfs/acre according to the current storm water requirements of the City Standards. Therefore, we have figured the detained volume that would be required for this small development and would recommend that the developer pay a fee in lieu of the required detention. Because the drainage from this development is draining directly into the Memorial Park Detention Basin, this fee can be determined by having the development buy into the oversizing of the detention basin. Based on this analysis, the fee would be \$2,471.78 (see attached analysis - Exhibit "A"). This should be handled in a separate Cost Share Agreement prepared by the City and signed by the developers.

Barry said he feels a t-intersection and stubbing a street to the north makes a tremendous amount of sense. Commissioner Osborne is concerned about the street not lining up with Shay Lane. Duncan said that would put you below the minimum setback.

Commissioner Hyde feels the street needs to connect to Cedar Cove PUD. She said this will allow for emergency vehicle access. She understands the PUD has the right to block off the street.

The Planning Commission was in agreement to recommend the stub to the Bingham property.

Commissioner Osborne moved to table the Preliminary Plan Application for Udy Acres Subdivision (9 lots), located at approximately 7470 S. 1900 E. (Parcel #'s 13-033-0060, 13-033-0061, and 13-033-0064), 3.2 acres; Developer: Aaron Haaga all items in Brandon's letter of 2 October 2014 be addressed. Brandon will add his recommendation based on the City's ability to serve water, sewer, and storm drain. Commissioner Johnson seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

Other Business:

Vacation of 7400 South: Commissioner Osborne was concerned about why the City Council didn't vacate 7400 South. Duncan explained and stated the City Council wanted it removed because it is not that they would never vacate but there was an issue with turning it over without any value or vacating with the possibility that they might need it. Duncan has contacted Mr. Martinez and Ivan Ray. He said neither have a plan to do anything with it at this point. Commissioner Osborne is concerned that Mr. Martinez would build on his lot and then a road will need to be built for one lot. Brandon said Mr. Martinez didn't get final approval on that lot. Brandon said if the road is vacated, Mr. Martinez's only option is to become a part of Sandalwood Cove PUD. He said that is why he supports vacating 7400 South.

Rentals of Basements in Residential Zones: Commissioner Osborne is concerned because there are a lot of rentals going on in basements in residential zones. It was stated it is difficult because most individuals aren't coming forth to get a business license.

Cedar Cove Park: Commissioner Osborne said his neighbors have complained about residents in Cedar Cove PUD not wanting the public to use the park.

ADJOURNED: Commissioner Winsor moved to adjourn the Planning Commission meeting at 8:12 p.m. Commissioner Osborne seconded the motion. Commissioners Hyde, Johnson, Osborne, and Winsor voted yes. The motion carried.

APPROVED: _____ Date

Chairperson: Delene Hyde

Transcriber: Michelle Clark

Attest: _____
Deputy Recorder: Elyse Greiner