

SOUTH WEBER PLANNING COMMISSION AGENDA

Watch Live or at your convenience: https://www.youtube.com/channel/UCRspzALN_AoHXhK_CC0PnbA

PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in an electronic meeting on Thursday, July 9, 2020 streamed live on YouTube, commencing at 6:00 p.m.

OPEN (Agenda items may be moved in order or sequence to meet the needs of the Commission.)

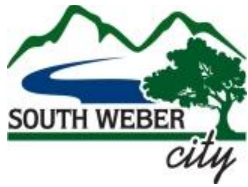
1. Pledge of Allegiance: Commissioner Walton
2. Public Comment: Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCj899> before 5 pm on the meeting date. Comments will also be accepted at publiccomment@southwebercity.com
 - a. Individuals may 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
3. Conditional Use Permit Review: CU 16-05 South Weber Soccer Facility by Kelly Parke
4. Discussion: Style Studios (similar & compatible use discussion by Tanya Jensen) located in Dan Murray South Weber Drive Commercial Subdivision at approx. 2530 E South Weber Drive
5. Discussion: Mountainside Plaza (buffer yard & setback discussion by Sam Sorensen & Fred Gunderson) located at approx. 2550 E 8200 S (East Frontage Road)
6. Planning Commission Comments (Boatright, Grubb, Johnson, Osborne, Walton)
7. Adjourn

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE www.southwebercity.com 4. UTAH PUBLIC NOTICE WEBSITE www.pmn.utah.gov 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

DATE: July 2, 2020

DEVELOPMENT COORDINATOR: Kimberli Guill



Planning Commission Meeting Date: July 9, 2020

Name: David Larson

Agenda Item: Soccer Facility Conditional Use Permit 16-05 Review

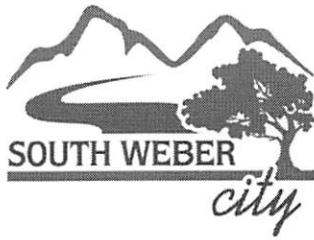
Background: Conditional use Permit 16-05 was approved by the Planning Commission on September 8, 2016 and approved by the City Council on September 13, 2016. A review meeting on April 10, 2018 brought additional clarifications and conditions to the permit (see CUP 16-05) which was approved by the Planning Commission on May 10, 2018. An official form was then created that documented the conditions.

Neighboring residents of the facility have expressed concerns regarding the facility operations, including but not limited to noise from use of the outdoor fields and trespassing to retrieve soccer balls that go over the fence. State law and the opinion of the property rights ombudsman's office provides for a review of the conditions on a CUP to mitigate legitimate nuisance complaint issues as brought forward by neighbors.

The Planning Commission can review the current conditions on the CUP and recommend any amendments if they feel amended conditions better address the legitimate nuisance issues. A recommendation of the Planning Commission will move to the City Council for final review and decision.

Summary: Planning Commission may review the CUP 16-05 and recommend any amendments if necessary, to the City Council

Attachments: CUP 16-05
City Council Meeting Minutes from September 13, 2016



Conditional Use Permit #16-05

Applicant: Kelly Parke

Proposed Use: Recreational and sporting activities
(over 1.0 acre)

Address: 128 E South Weber Drive

The conditional use for the above applicant at the property listed and the use proposed was approved by the Planning Commission on 09-08-2016. The following indicates the conditions required at the time of approval, and the current status of each.

Completed	Not Completed	N/A	
	X		1. Meet the requirements of Buffer Yard C (City Code 10.5M.6B).
X			2. Meet conditions from City Engineer's review dated 31 August 2016.
X			a. Comply with UDOT stipulations, Geotechnical recommendations and South Weber Irrigation Co. instructions.
		X	b. Easement for sewer lateral.
X			c. Improvement plans need to show sewer lateral from building to proposed site.
X			3. Meet conditions from City Planner's review dated 1 September 2016.
X			a. Buffer yard plan submitted and approved
X			4. City Council must approve buffer yard amendment before approval is granted. (Passed 09-13-16).

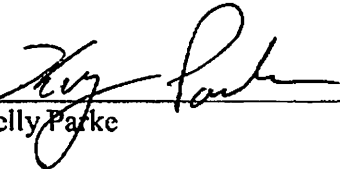
Following a review meeting on April 10, 2018 the following clarifications and conditions are also proposed:

1. Installation of a 6' vinyl fence from the northeast property corner to the north end of the fire access road.
2. Comply with all UDOT access permit requirements.
3. Due to safety concerns as a result of poor pedestrian access, no parking will be allowed on South Weber Drive or adjacent residential streets. If parking is or becomes insufficient to handle the demand, the applicant will be required to provide additional on-site parking to meet the demand, along with any associated drainage changes; must meet City Standards and be approved by the City Engineer.
4. No lighting will be permitted for the outdoor fields.
5. Must comply with any land use easements on the property.

6. Must comply with all City Code, including, but not limited to, noise restrictions and signage.

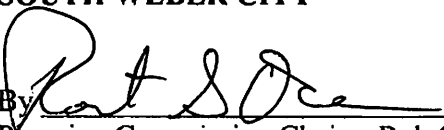
Approved by the Planning Commission on May 10, 2018. Any requests for change must be made in writing and approved by the Planning Commission in a public meeting.

APPLICANT
Elite Training Centers

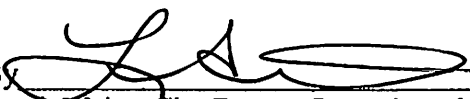
By 
Kelly Parke

Title Manager

SOUTH WEBER CITY

By  10 May 2018
Planning Commission Chair – Rob Osborne

ATTEST

By 
South Weber City Deputy Recorder – Lisa Smith

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 13 September 2016

TIME COMMENCED: 6:00 p.m.

PRESENT: MAYOR:

Tammy Long

COUNCILMEMBERS:

**Scott Casas
Kent Hyer
Marlene Poore (excused)
Merv Taylor
Jo Sjoblom**

CITY RECORDER:

Elyse Greiner

CITY MANAGER:

Tom Smith

CITY ATTORNEY:

Doug Ahlstrom

Transcriber: Minutes transcribed by Michelle Clark

VISITORS: Thom Wight, Quinn Tucker, Wayne Winsor, John McCall, Brent Poll, Farrell Poll, Raelene Miller, Roger Miller, Tim Grubb, Kelly Parke, Delene Hyde, Judy Barton, Grandon Brimley, DeAnn Hoggan, David Hoggan, Cheryl Bambrough, Brian Poll, Brent Petersen, Charles Poll, Trevor Schenck, Elizabeth Rice, and Chris Tremea.

Mayor Long called the meeting to order and welcomed those in attendance.

PLEDGE OF ALLEGIANCE: Council Member Hyer

PRAYER: Council Member Casas

AGENDA: Council Member Hyer moved to approve the agenda as written. Council Member Sjoblom seconded the motion. Elyse called for the vote. Council Members Casas, Hyer, Taylor and Sjoblom voted yes. The motion carried.

CONFLICT OF INTEREST: None

CONSENT AGENDA:

- **Approval of August 23, 2016 Meeting Minutes**
- **Approval of August 23, 2016 Work Meeting Minutes**
- **Approval of July 2016 Budget to Actual**
- **Approval of August 2016 Check Register**

Council Member Sjoblom moved to approve the consent agenda. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

ACTION ITEMS:

Council Member Sjoblom moved to open the public hearing for Ordinance 16-17. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing on ORDINANCE 16-17: Rezone request for property located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 24.08 acres, be rezoned from an Agricultural Zone (A) to Commercial Recreation Zone (C-R), by applicant Kelly Parke:

Tom said the Planning Commission has given a recommendation for approval of this rezone. While the General Plan doesn't specifically project the Commercial Recreation zone to be there, it does call for open lands. Since HAFB has a no-build zone on the southern portion of the property for permanent residences due to the high noise level, a soccer field would be a great use for the property.

Mayor Long asked if there was any public comment. She reminded individuals, who wish to speak, to approach the pulpit, state their name and address, and they have three minutes to speak. Council Member Hyer said he will be timing individuals for three minutes.

Brent Poll, 7605 S. 1375 E., said he is in attendance to discuss pollution. He said every time the City Council approves development in west end, the City is putting people at risk. He hopes the Council read about cross polluted transfer. He said this is a super fund site. He said this has been going on since Mayor Bouchard. He has been studying this for 24 years with an advisor and we know that Hill Air Force Base is not going to clean up the pollution.

Delene Hyde, 349 E. 6650 S., said this developer is putting out a big investment. She said this is 25 acres that has the potential for more soccer fields. She said this property has a potential of 13 fields with this acreage. She discussed how many vehicles will be generated by soccer fields. She is concerned about increasing traffic on 6650 South, which is not a collector road. She said there have been other developments that have been denied because of access. She feels this development needs to find another out from this property and suggested the developer wait until the Kendell property is developed. She feels it is appalling that individuals have only three minutes to speak.

Trevor Schenck, 6455 Raymond Drive, would like to donate to his three minutes to Delene Hyde. He was told he could not do that.

Council Member Taylor moved to close the public hearing for Ordinance 16-17. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Casas moved to approve Ordinance 16-17: Rezone request for property located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 24.08 acres, be rezoned from an Agricultural Zone (A) to Commercial Recreation Zone (C-R), by applicant Kelly Parke. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

RESOLUTION 16-31 Smith & Edwards Final Subdivision: Tom said this is a final plat for Smith & Edwards soccer development. All the requirements have been met by the applicant. The Planning Commission has recommended approval to the City Council.

Barry Burton, City Planner, said the access is coming off of South Weber Drive. Council Member Sjoblom asked about deterring traffic. Barry said the City has looked at alternatives in the past and suggested making 6650 South a one-way street or dead end street. He said it would make it a little less convenient for residents on 6650 South. Mayor Long asked if no parking can be posted on 6650 South. Barry said, "yes". He said this property is located in the noise zone and has an easement that does have some restrictions. Barry said there is sufficient parking with 78 stalls as well as overflow parking. He said the developer has said the soccer fields are not for recreational soccer.

Council Member Casas moved to approve RESOLUTION 16-31 Smith & Edwards Final Subdivision. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Taylor moved to open the public hearing for Ordinance 16-20. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing on ORDINANCE 16-20: Amendment to Code Section 10.05M.6 (B) Buffer Yard Landscaping: Tom said the Planning Commission has made a favorable recommendation to the Council to approve of this ordinance amendment. Previously the Commercial Recreation Zone required a buffer yard (certain distance and amount of foliage; can be found in Code 10.15.070) between surrounding agricultural and residential zones. The Planning Commission felt that the developers putting in the soccer field would be met with undue hardship having to put a certain amount of vegetation around the 24 acres of property. They concluded that it also doesn't make sense to buffer agricultural property from recreation property. To lessen the burden for all developers, the buffer yard would only be required on sides adjacent to buildable residential zones.

It is recommended that Subsection 10.05M.6B of the South Weber City Code pertaining to buffer yard landscaping be amended as follows:

10.05M.6B Buffer Yard Landscaping

B. Buffer Yard Landscaping: Buffer Yard D landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

Tom said after discussing the amendment in the work session. The City Council is recommending amending it to Buffer Yard B. He explained that there is a section of approximately 50 ft. that would need to be buffered from the C-R Zone from the residential zone. Tom said the buffer yard does define the types of trees.

Mayor Long asked if there was any public comment.

Trevor Schenck, 6455 Raymond Drive, asked which buffer is the requirement.

Barry Burton said in each of the buffer yard classifications there are several options that can be chosen. He said the number of trees, shrubs, etc. varies with specific buffer yard. Tom said the buffer yard requirement is only required in a 50 ft. area of space where this would be required. Barry said it only applies to those properties that back up to residential property. He explained the need for the amendment is because the Planning Commission didn't see a need to buffer agricultural property. Doug Ahlstrom said from going from D to C reduces the number of evergreens, but B doesn't require the evergreens. Council Member Hyer said this will affect Trevor Schenck's property and he would recommend the developer meet with you to discuss options of trees. Barry said this is not just for a soccer complex but any other use in a C-R Zone throughout the City.

Mr. Schenck said previously the buffer was 30 ft. (with buffer yard D) and with buffer yard B it will go to a minimum of 10 ft.

Tim Grubb, 6926 S. 475 E., said if this is a recreation zone it will attract parks and openness. He said in this case, you would want the bigger set back.

Thom Wight, 1925 N. Rolling Oaks Layton, Utah, said he is willing to collaborate with Mr. Schenck, within reason, concerning the buffer yard. He said they have not designed anything yet.

Kelly Parke, 3393 W. 1700 N. Ogden, Utah, said they will try to be a good neighbor. He said the 50 ft. is in the area where there will be an open soccer field. He said the intent is two outdoor fields and one indoor facility.

Council Member Taylor moved to close the public hearing for Ordinance 16-20. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Sjoblom is concerned about buffer yard B having a 10 ft minimum. She feels the code needs to be amended. Tom agrees the landscaping code needs to be visited. Doug Ahlstrom suggested changing the buffer yard from the proposed B to C.

Council Member Casas moved to approve Ordinance 16-20: Amendment to Code Section 10.05M.6 (B) Buffer Yard Landscaping: B. Buffer Yard Landscaping: Buffer Yard C landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Sjoblom moved to open the public hearing for Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing on Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke: The Conditional Use Permit is for a private-use indoor soccer facility and two outdoor soccer fields. The Planning Commission recommended approval subject to the items addressed in the City's Engineer's memo (dated 8/31/16) in addition that it meet the buffer yard ordinance (prior agenda item).

Brandon Jones memo of 31 August 2016 is as follows:

Our office has completed a review of the Plat and Improvement Plans for the Smith & Edwards Subdivision and associated South Weber Soccer Facility received on August 19th and 30th, 2016. We recommend approval, subject to the following comments and recommendations being addressed prior to final approval from the City Council.

1. **General.** The developer will need to comply with the UDOT Access Approval stipulations, the recommendations of the Geotechnical Report by GSH and the requirements of the South Weber Irrigation Company as previously discussed and recommended.

2. **Sewer Easement.** This set of plans does not show any sewer lateral from the building. We are assuming that the sewer lateral is still being proposed to be installed across the "T+R Ranches" property to the east. A separate easement document will be needed to allow the crossing of this property. However, this being a sewer lateral, it will be owned by the owner of the Soccer Facility. Therefore, the easement should be conveyed from "T+R Ranches" to the owner of the Soccer Facility, not the City. This easement will be needed prior to constructing the lateral or recording the plat, whichever one comes first. **This item has been addressed.**

3. **Plat.** No comments.

4. **Improvement Plans.** The following are items related to the improvements. a. Sheet #C3. The plans need to show the sewer lateral from the building to wherever it is being proposed (assumed to be in Raymond Drive).

Tom said all the requirements have been met.

Mayor Long asked if there was any public comment.

Delene Hyde, 349 E. 6650 S., feels a development agreement needs to be put in place limiting the access to this facility. She said a lot of the indoor fields play until 1:00 a.m. She would like to see a time limit. She said you have no idea what is going to happen today.

Trevor Schenck, 6455 Raymond Drive, said he is confused concerning what the setback requirement is.

Tim Grubb, 6926 S. 475 E., said with buffer yard C states they can be as close to 20' to the residential property.

Barry said the building is approximately 300' from the Schenck's property line and 50' from the soccer field. It was stated the amendment is as follows:

10.05M.6B Buffer Yard Landscaping

B. Buffer Yard Landscaping: Buffer Yard (C) landscaping shall be required between the CR zone and all residential zones, except where there are legal restrictions on the residential zoned property that prevent the construction of residences.

Mr. Schenk requested this requirement be put in the motion. Tom said when the City Council makes their motion they need to include what is being discussed.

Council Member Sjoblom moved to close the public hearing for Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Taylor apologized for being abrupt but they want to keep control of this meeting. He said the Council is sensitive to residents along 6650 South.

Council Member Hyer moved to approve the Conditional Use Permit: application for South Weber Soccer Facility located at approx. 128 E. South Weber Dr. (Parcel 13-005-0033), approx. 12.21 acres, by developer Kelly Parke subject to the following conditions:

- 1. Developer required to follow recommendation on geo technical report.**
- 2. Amendment to use buffer yard C.**
- 3. Approval by adjacent landowner Trevor Schenk as to types of foliage (subject to Code).**

4. Intended use statement to be submitted by the developer and intention for the total acreage of property.
5. Include hours of operation from 6:00 a.m. to 10:00 p.m. Monday thru Saturday.

Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Hyer moved to open the public hearing for Ordinance 16-18. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing on ORDINANCE 16-18: Rezone request for property located at approx. 7482 S. Cornia Dr. (Parcel 13-174-0001), approx. 1.313 acres, be rezoned from an Agricultural Zone (A) to Highway-Commercial Zone (C-H), by applicant John McCall: Tom said the Planning Commission has given a favorable recommendation for approval of this rezone because it is in accordance with the General Plan.

Mayor Long asked if there was any public comment.

John McCall, 2735 W. 4375 S. Roy, Utah, said he is the co-owner of the property. He said this request will help to market the property as commercial.

Council Member Sjoblom moved to close the public hearing for Ordinance 16-18. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Hyer moved to approve Ordinance 16-18: Rezone request for property located at approx. 7482 S. Cornia Dr. (Parcel 13-174-0001), approx. 1.313 acres, be rezoned from an Agricultural Zone (A) to Highway-Commercial Zone (C-H), by applicant John McCall. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Taylor moved to open the public hearing for Ordinance 16-19. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing on ORDINANCE 16-19: Rezone request for property located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approximately .85 acres, be rezoned from the Residential Low Zone (RL) to Residential Moderate Zone (RM), by applicant Grandon Brimley: Tom explained that this proposal is to rezone .85 acres of land in the R-LM zone to the R-M zone. The property contains an existing residence and a detached garage. Mr. Brimley

would like to split the lot into two parcels, but existing zoning doesn't allow it. The property sits adjacent to two other subdivisions, the Bowman Old Farm Subdivision to the north and the Canyon Meadows Subdivision to the east. The lots in Canyon Meadows and Bowman Old Farm are approximately the same size as would these be, if subdivided.

This request does not conform to the recommendations of the General Plan, which calls for low moderate density residential in this location. The applicant has pointed out that the lot is not large enough to pasture farm animals and would not be out of character with adjacent lots.

Tom said the Planning Commission and City staff recommended approval of the rezone because the property is unique and the rezone would meet the surrounding land use though it doesn't conform to the general plan projected land use map.

Mayor Long asked if there was any public comment.

Grandon Brimley, 600 E. South Weber Drive, said this property is not large enough for farm animals. He feels this lot can be a much better use of the land. He said there are two accesses onto South Weber Drive.

Tim Grubb, 6926 S. 475 E., said he lives in the area. He said what he is proposing fits the area. He said the road and sidewalk are already in. He said the curb is already cut for the existing home and the east property.

Council Member Hyer moved to close the public hearing for Ordinance 16-19. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Hyer moved to approve Ordinance 16-19: Rezone request for property located at approx. 600 E. South Weber Dr. (Parcel 13-020-0056), approximately .85 acres, be rezoned from the Residential Low Zone (RL) to Residential Moderate Zone (RM), by applicant Grandon Brimley. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Sjoblom moved to open the public hearing for Ordinance 16-21. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing on ORDINANCE 16-21: Amendment to Code Sections 10.5A.2, 10.5B.2, 10.5C.3, 10.5D.2, 10.5E.2, 10.5F.2, 10.5G.4, 10.5H.4, 10.5I.4, 10.5K.4, 10.5L.4, 10.5M.4, 10.5N.4, 10.5O.4, and 10.5P.2 Permitted Uses, to allow for mobile businesses: Tom said in the last meeting, the Council approved an ordinance to regulate mobile businesses. This current

ordinance amendment allows mobile businesses to do business in the City as a permitted use so they can actually start doing business.

Mayor Long asked if there was any public comment. There was none.

Council Member Sjoblom moved to close the public hearing for Ordinance 16-21. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Casas moved to approve Ordinance 16-21: Amendment to Code Sections 10.5A.2, 10.5B.2, 10.5C.3, 10.5D.2, 10.5E.2, 10.5F.2, 10.5G.4, 10.5H.4, 10.5I.4, 10.5K.4, 10.5L.4, 10.5M.4, 10.5N.4, 10.5O.4, and 10.5P.2 Permitted Uses, to allow for mobile businesses. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Council Member Hyer moved to open the public hearing for Ordinance 16-22. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing on ORDINANCE 16-22: Amendment to Code Sections 10.01.100 Definitions and 10.05C.4 Conditional Uses, to allow for assisted living facilities

Tom said at the last Council meeting, Tim Grubb approached the Council with an idea to develop a piece of property off of 475 E. to an assisted living facility. Currently, City Code doesn't have provisions to allow them. These ordinance changes would allow for that type of business in the R-H. The Planning Commission recommended approval of this ordinance.

It is recommended that Subsections 10.01.100 Definitions and 10.05C.4 Conditional Uses of the South Weber City Code pertaining to assisted living facilities be amended as follows:

10.01.100 Definitions ASSISTED LIVING FACILITY:

An assisted living facility is a housing facility for people with disabilities or for adults who cannot or chose not to live independently, but rather live in a group living environment under the care of state licensed professionals. An assisted living facility does not house individuals under care for drug or alcohol rehabilitation, nor can one serve as transitional housing for individuals reentering society from the penal system.

0.5C.4 Conditional Uses

14. Assisted living facilities

Mayor Long asked if there was any public comment.

Tim Grubb, 6926 S. 475 E., said he appreciates the work Barry Burton has done is creating this for the City. He said this will be subject to a conditional use and will be controlling factors.

Council Member Sjoblom moved to close the public hearing for Ordinance 16-22. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Hyer moved to approve Ordinance 16-22: Amendment to Code Sections 10.01.100 Definitions and 10.05C.4 Conditional Uses, to allow for assisted living facilities. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

RESOLUTION 16-30 Amendment to Fee Schedule (mobile businesses):

Tom said the amendment to the fee schedule will be to add a mobile business license fee and permit fees.

Council Member Sjoblom moved to approve Resolution 16-30 Amendment to Fee Schedule (mobile businesses). Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

RESOLUTION 16-32 Selection of Professional Financial Auditor Services:

Mark McRae said at the Councils request, they went through the process of selecting a financial auditor for the City. He reported that they had 9 CPA firms respond to the RFP. The firm that they are recommending to the Council as the new auditor is Keddington & Christensen.

Council Member Casas commended the financial department for their effort in this. Council Member Hyer is in agreement with the selection of this company.

Council Member Sjoblom moved to approve Resolution 16-32 Selection of Professional Financial Auditor Services. Council Member Casas seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

DISCUSSION ITEMS (possible action):

Review of Snow Removal Policy: Mayor Long said in the work session it was suggested to table this item until next week.

Council Member Taylor moved to table this item until next week. Council Member Hyer seconded the motion. Elyse called for a roll call vote. Council Members Casas, Hyer, Taylor, and Sjoblom voted yes. The motion carried.

Review of Maintenance II job description including Building Inspector:

Council Member Hyer moved to have a discussion on this item. Council Member Sjoblom seconded the motion. Elyse called for a roll call vote. Council Members Hyer and Sjoblom voted yes. Council Member Taylor, Casas and Mayor Long voted no. The motion was denied.

Council Member Hyer moved to table this item until next week. Council Member Taylor seconded the motion. Elyse called for a roll call vote. Council Members Hyer, Casas, Taylor, and Sjoblom voted yes. The motion carried.

CITY COUNCIL ITEMS:

Council Member Casas:

Drinking Fountain at Canyon Meadows Park: The drinking fountain needs to be repaired.

Central Park: There is an exposed electrical box by the scoreboard.

Salt Facility: He requested the Council discuss this item at the next work meeting.

Council Member Hyer:

Davis/Weber Canal Company: He reported that the Davis/Weber Canal Company has been removing some trees along the canal. He said concerned residents have contacted him. He would like the City to contact the canal company to find out what is going on.

Chris Tremea, City Code Enforcer, said he did receive complaints and he will be meeting with the canal company. He has visited the location and said they are not large trees. He will pass any information he receives along to Tom. Tom said he is aware of this and was told they are conducting maintenance. He said the City was not aware of this until a resident contacted the City. Mayor Long asked if the boundary line is in unincorporated area.

Council Member Sjoblom:

Status of Digital Sign: Scout Master over Digital Sign for Scouts has moved to St. George. They will be moving forward with the project.

PUBLIC COMMENTS:

Deann Hoggan, 7701 S. 1650 E., thanked Council Member Hyer and City employees. She said residents did not receive any warning from Davis/Weber Canal Company that trees will be cut down. She said their property lines extend upon the fence lines. She said the canal company did conduct a survey. She said they have received conflicting reasons for the trees being cut down. She has contacted Jeff Oiler and he will contact the canal company. She said it would be nice to have communication, which would help to alleviate concerns.

Delene Hyde, 349 E. 6650 S., said she recognizes some of the Council who campaigned in her neighborhood. She is concerned about limiting citizens to three minutes for public comment. She said sometimes we don't get to say everything that is on our minds.

Dave Hogan, 7701 S 1650 E., said he owns one of the three homes that were damaged in the mudslide. He said when they built their home they were required to install an engineered retaining wall. He said they want to make sure the canal company has the same rules and regulations that they abide by. He suggested marking the trees that they feel need to be taken out.

Tim Grubb, 6926 S. 475 E., said the three minute public comment is not an ordinance, but policy. He understands in the situation if there are several people present. Also, concerning the soccer field, he feels there wasn't enough time for the City Council to look at it. He said there are a number of things that are kind of scary. He said an issue with 6650 South has been created with approval of this soccer complex. He would request the City staff look at options for 6650 South. He said Old Maple Farms will be going in, which could create options to dead end 6650 South.

Liz Rice, 7875 S. 2310 E., asked about the building inspector maintenance job. She said her husband is a contractor in the City and, as a citizen feels, a building inspector is important.

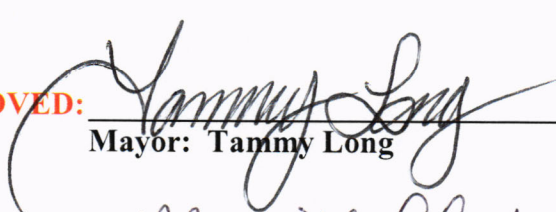
Council Member Hyer moved to take a five minute break before going into the closed session. Council Member Taylor seconded. Council Members Casas, Hyer, Sjoblom, and Taylor voted yes. The motion carried.

Council Member Hyer at 7:58 p.m. moved to go into a closed session as per UCA § Section 52-4-205(1)(c): Discussion of pending or reasonably imminent litigation. Council Member Taylor seconded the motion. Elyse called for the vote. Council Members Casas, Hyer, Sjoblom, and Taylor voted yes. The motion carried.

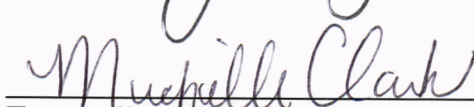
The public meeting resumed at 9:32 p.m.

ADJOURNED: Council Member Taylor moved to adjourn the meeting at 9:33 p.m. Council Member Sjoblom seconded the motion. Council Members Taylor, Sjoblom, and Casas voted yes. The motion carried.

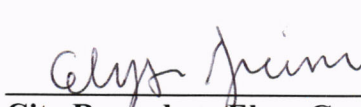
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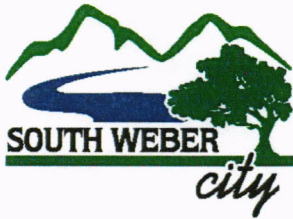

Mayor: Tammy Long

Date Oct. 11, 2016


Transcriber: Michelle Clark

Attest:


City Recorder: Elyse Greiner



1600 E. South Weber Drive
South Weber, UT 84405

www.southwebercity.com

801-479-3177
FAX 801-479-0066

Affidavit of Closed Session

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

Mayor Tamara Long, upon oath, deposes and says:

1. S/He is the Mayor of South Weber City, a municipal corporation of the State of Utah.
2. As Mayor, Affiant, when available, presides at all meetings of the governing body of said City.
3. On 9/13/16 commencing at 8:00 pm, Affiant presided over a closed meeting of said City's governing body. The closed meeting was held pursuant to the provisions of UCA § Section 52-4-205(1) for the sole purpose of:
 - € (a) discussion of the character, professional competence, or physical or mental health of an individual;
 - € (b) to discuss collective bargaining;
 - € (c) to discuss pending or reasonably imminent litigation;
 - € (d) to discuss the purchase, exchange or lease of real property, including any form of a water right or water shares;
 - € (e) to discuss the sale of real property, including any form of a water right or water shares;
 - € (f) discussion regarding deployment of security personnel, devices, or systems;
 - € (g) investigative proceedings regarding allegations of criminal misconduct
4. The closed meeting was held as scheduled and the only subject matter discussed in the meeting was, in fact, the aforementioned items.
5. Affiant states that any record of the meeting above referred to is protected under Title 63, Chapter 2, of the Government Records Access and Management Act and therefore is not subject to access by the public or media.
6. Further Affiant sayeth not.

DATED this 13 day of September, 2016

Tamara P. Long
Signature of Mayor, Affiant

SUBSCRIBED, sworn to and acknowledged before me this 13 day of September, 2016.

Elyse Greiner
Elyse Greiner, City Recorder

JENSEN SALON
SIMILAR & COMPATIBLE USE DETERMINATION REVIEW

By Barry Burton 6.30.20

PL1 - Project: The applicants would like to construct a hair and beauty salon in the C-H zone west of Little Caesar's and the approved Alpha Coffee in the South Weber Commercial Subdivision. The salon would accommodate 10 stylists in separately leased spaces within the building.

PL2 - Ordinance Considerations: The C-H zone does not list hair and beauty salons as a permitted or a conditional use. There is a provision in the zone that allows the Planning Commission to determine if a proposed use is "similar and compatible" to other listed permitted uses and allow that use. This was done to allow two other nearby land uses; the insurance office and the physical therapy office. The applicants would like to know if their proposed use will be allowed prior to design and engineering.

PL3 - Recommendation: This proposal would be beneficial to residents of the city and would not negatively impact adjacent properties. I recommend a determination that this proposed use is similar and compatible to listed permitted uses.

PL4 – Process Forward: If the use is allowed, the project will proceed through review by the Sketch Plan Committee, then be brought back for final staff review and then will be presented to the Planning Commission for architectural site plan approval. The project would be under an acre in area, therefore not a conditional use and not subject to City Council approval.

MOUNTAINSIDE PLAZA
BUFFER YARD VARIANCE REQUEST REVIEW

By Barry Burton 6.30.20

PL1 - Project: Mountainside Plaza is a proposal to establish a gymnastics gym and retail commercial space in a one building on a C-H zoned parcel on 2725 East (frontage road east of Hwy. 89) at approximately 7900 south. A very similar proposal was made about 10 years ago on the same property by the same person, Mr. Fred Gunderson. That project received conditional use approval but was never built.

PL2 - Ordinance Considerations: At the time of the previous approval, a buffer yard was required between the building and the residential zone/neighborhood to the east. One of the options the ordinance then allowed was a 10' buffer yard with a significant number of shrubs and trees. This was the approved buffer yard. Since then the buffer yard requirements have been amended requiring a minimum of 20' width with far fewer plantings.

PL3 - Variance Requested: Due to terrain and site constraints, the difference between a 10' and a 20' buffer yard could create major site plan changes. Because of this, Mr. Gunderson is seeking a deviation from the buffer yard requirements prior to completing design and engineering. The current proposal is to establish a 10' buffer yard on the east side of the property. They would still be installing the required number and type of trees and the 6' masonry wall.

There also is a residence on the north side of the property that sits well below the level of this project site. There is a thick stand of native oak trees on the north side of the site that, along with the elevation difference, provides an effective natural screen and barrier between the two properties. The applicant would like to leave that natural screen in place and not put in the required 6' wall or trees.

PL4 - Recommendation: The purpose of the buffer yard requirements is to protect adjacent residential properties from the impacts of commercial development. Applicants have stated they have contacted adjacent residents to the east and claim they have no objection to the 10' setback on that side. If they can provide evidence, either written or by personal appearance, that all adjacent neighbors to the east do not object to the proposed deviations, I would recommend approval of that deviation. If such evidence is not provided, I would recommend denial.

I recommend approval of the request to leave existing vegetation on the north side in place of the required buffer yard. It is an effective existing buffer.

PL5 – Process Forward: Once the buffer yard questions are answered, the applicant will proceed with design and engineering and the entire project will be brought before the Planning Commission for preliminary conditional use/architectural site plan approval. If preliminary approval is granted, it will be back before the PC and then the City Council for final approval.