

CC 2024-11-12 CI #1 Chilcote

South Weber City Council,

I'm writing today regarding the Public Hearing Notice for General Plan Amendment, Development Agreement & Zone Change at approximately 6525 S 475 E that is to take place on 11/12/24 as I have more comments and concerns that I would like to express than would be allowed during the allotted 3 minutes of public comment.

I am one of many concerned citizens watching the trajectory of where the City Council is allowing and even encouraging the West End of the city to go. As a preface, I was born and raised in Kaysville City but had some good friends who were (and still are) part of the original South Weber community. Because of this, I spent a significant amount of time in the city as I grew up and like everyone else here, I fell in love with the rural feel. When my family was ready to purchase a home, I brought my wife here and she quickly fell in love with the area for the same reason I and everyone else has. We found a lot in the Old Maple Farms Subdivision and at that time, I did research looking into what the future of the city would be. If I remember correctly, I looked at the Pre 2020 General Plan and Land use map which I don't believe showed any 'Commercial' zones on the West End of South Weber. This is explicitly one of the reasons we purchased our lot here in early 2020 believing that just like in the 1990's, the city was still doing everything it could to create the same space that has brought hundreds of families here since. I was disappointed shortly after we purchased our lot when the 2020 General Plan was released, and it showed some 'commercial' space on the land use map for the West end of the city. It's given me peace of mind in the Commercial Section of the General Plan where it states: 'For the **convenience** to residents.....of the City, it is recommended that appropriate commercial development is encouraged.' When I see the term 'convenience' listed there, I believed it was referring to commercial places that would be a convenience to the residents of the city like a neighborhood grocery store, service center, barbershop/salon or Post Office- things that would provide regular convenience for the citizens of the city which I and others would be okay with.

The commercial section of the general plan also states 'Other commercial development(s) should also be supported in the vicinity of the I-84/Old Fort Road interchange. Development of this area should be done in a manner that does not negatively impact surrounding neighborhoods. Care should be given to any commercial development adjacent to a residential or planned residential area. A **buffer** between the two land uses that reduces the negative impacts of the commercial development is **strongly encouraged**. Design standards for commercial development exist to ensure compatibility and a sense of community among various potential commercial enterprises.' Since around the time I've lived here, there are 3 areas that have been rezoned to Commercial- The La Roca Facility, General RV, and the General RV Surplus Lot. Not a single one of these commercial zone changes has resulted in any type of convenience to our community as the general plan suggests, but has negatively impacted surrounding neighborhoods which is strongly discouraged in the general plan and I know you have heard many of the complaints throughout the years. In addition to this, the West entrance was never intended to be a Commercial Hub for South Weber City where the General plan explicitly states Commercial space should mainly be designated on the East side of the city.

One other thing I would like to iterate before discussing the new proposals is the Tax Consequences of the General Plan which states- 'It is anticipated that development of planned commercial areas

within the city will produce enough tax revenues to offset remaining deficiencies in tax revenue from existing and potential future residential properties'. From what I understand here- the studies that have been conducted and the land use map that has been provided specifically states that we as a community do NOT need any additional tax revenue than what has previously voted upon with the 2020 General Plan and Land Use Map.

I'd now like to now turn to the Public Notice regarding the property at 6252 S 475 E. I have gone through and watched and reviewed both Planning Commission meetings (7/11/24 and 10/22/24) and the City Council Meeting (7/23/24), where this parcel of land was discussed. I have also reviewed much of the city code and general plan as previously explained. As you are aware, the land is currently zoned as Agricultural where the Land Use Map States it should be designated as Residential Moderate (R-M) which would only allow 2.8 units per acre or **approximately 5 Dwelling units** on Shane Turner's 2.2 Acres of Land.

From my understanding, when Shane Turner Purchased the land, he had conversations with city staff where they suggested he rezone the land to R-5 which would allow him to construct multi-family homes on the property that he purchased but to do that he would need to purchase additional land from UDOT. He spent over a year trying to and successfully acquiring the land needed from UDOT so he had the minimum acceptable land to request this change. On 7/11/24 a Planning Commission Meeting was held to discuss this zone change request. His plans were to keep the existing home on the land and add 2 separate 5-plexes that would allow 11 total (and **residential**) dwelling units on this property. He felt like by going to an R-5 that this would be the closest he could get to maximize the land of the parcel and stay as close to the designated land use map as possible. The planning meeting had a good discussion with many concerns including- added traffic (along with General RV), the vulnerability of increasing the units from the currently allotted 5 units to the proposed 11 units, the density being too high, and lack of parking in that tight of an area. After thorough discussion, it was voted on 3-2 to approve the rezone request. Both Commissioner Boatright and Losee voted against this proposition for the following reasons: Commissioner Boatright voted against it because he wanted to see the traffic impact from general RV before rezoning for 11 units. Commissioner Losee voted against this because she felt like an R-5 Density would be too high considering the existing general plan and desires of the city. There was no desire from the planning commission to do anything commercial and as you can tell, most of the planning commission still had concerns with the increased density of going up to 11 units.

The rezone request was then brought to the city council on 7/23/24. By only reviewing the meeting minutes for that meeting, you quickly learn- Council Member Dills Supported the General Plan's designation of R-M but noted preference for tax base use over residential. Council Member Halverson favored commercial use. Council Member Davis favored flex space. Mayor Westbroek acknowledged the property's complexity and anticipated the need for commercial use. Council Member Winsor felt like the proposed density was too high but supported flex space. There was little to no discussion regarding how to make any type of residential space work (or consideration for what was proposed). It was very apparent that you as the city council are pushing and doing all you can to see Commercial space created on the West end of the city. This entirely goes against the general plan AND the recommendation of the planning commission. There was no regard to the discussions that the Planning Commission previously had and the recommendations that were being brought forth. The planning commission made the recommendation to go from Agricultural to

an R-5 and you as the City Council took the liberty of saying you would like to see it go to a Commercial Highway (C-H). As previously stated, the General Plan states that we do not need additional businesses to meet our financial demands. The people in the community do not want to see additional business unless it is a 'convenience' to us. Most of the residents were okay with what was being proposed with an R-5 zoning even though it was contrary to the general plan. We need some explanation as to why the City Council didn't even consider what was proposed and how you can ethically say it fits into the general plan.

Because of the comments and requests of you as the City Council, Shane Turner prepared new site and development plans which were brought before the planning commission on 10/31/24 where a public comment period was also held. It is important to note that there were more attendees at this meeting than have ever been at a Planning Commission meeting in South Weber City (both regarding this and the General RV Surplus property). As you are aware, the new development plan shows the existing home on the property being torn down and that land being constructed with 15 flex space units with a request to change the zoning to Commercial Highway (C-H). It now includes an exit point (from this commercial development) that feeds right into the Old Maple Farms Subdivision- a residential community. This is in direct violation of the General Plan where it states 'Development of this area should be done in a manner that does not negatively impact surrounding neighborhoods. Care should be given to any commercial development adjacent to a residential or planned residential area. A buffer between the two land uses that reduces the negative impacts of the commercial development is **strongly** encouraged.' Along with a commercial space exiting into a residential community, this zoning also permits buildings that are up to 35 feet in height that would be 10 feet off the property line from the Freedom Landing townhomes. There is absolutely no buffer between the existing Freedom Landing Townhomes and the proposed Flex space units you and now Shane Turner are recommending. This planning commission meeting had public comments from Paul Sturns, Jordan Love, Michael Brandt and Dave Randall who were all strongly against the proposed changes for reasons including: they had never seen such a poorly stated development agreement, insufficient parking, zoning for 35 foot walls being too high for this parcel, ADU's not being permitted in city code and no way to enforce who is living there, traffic concerns in the Old Maple Farms Subdivision with a bus stop and mail box being right there, not understanding why the city council shot down the last proposal for R-5, increased density units, not sufficient time to review the packet as it was proposed 2.5 hours before the meeting, and wanting to get it right the first time so we aren't trying to correct problems in the future. It appeared there was much confusion as how this even got before the Planning Commission in the first place. Lance Evans took some time to give reasoning- he suggested the general plan recommends multi-family units being spread out, commercial development is encouraged on arterial roadways and interstates, commercial is recommended on I-84 and old fort interchanges, and that care be given to any adjacent residential property. These are all explanations that have confused me and others- Yes maybe multifamily could be spread out but that doesn't mean we should replace R-M with C-H. The commercial space that was chosen by the city council was general RV on the 16 acre parcel across the street (which limits any other commercial developments that should occupy the West End of the city according to the existing general plan and land use map- not the citizens fault). That's how the general plan was written. The general plan does say commercial should be added to interchanges but specifically states it should be focused on the South Weber Drive and Highway 89 interchange (not at 475 E). I don't see any justification in the general plan that warrants these

changes which the Planning Commission spent an extensive amount of time discussing. Some of the concerns they had included: density being too high, business trucks coming in and out all day, traffic safety in the Old Maple Farms Subdivision, not conforming to the general plan, regulating who lives in the ADU's, buildings being too close to the Freedom Landings townhomes, no buffer between residential and commercial, and impact on delivery vehicles to this proposed business development. After discussion, the planning commission ultimately voted for the following:

- General Plan Project Land Use Amendment from A to C-H
 - Deny- Voted 4-0.
- Development agreement for Cooper's Landing
 - Table- voted 4-0.
- Zone Change for Cooper's Landing from A to C-H
 - Deny- 4-0.

There was absolutely no interest from the Planning Commission in seeing a commercial development being put on this piece of land. I believe the Planning Commission has done their due diligence to ensure consistency with the general plan, compatibility with surrounding uses, and environmental and infrastructure considerations as they have been commissioned to do.

As a citizen and a resident of the Old Maple Farms community, I hope you can understand mine and others concerns as you are pushing to move in this direction. There is an extensive number of red flags here. In the city council meeting held on 7/23/24 there were concerns you personally expressed regarding traffic impacts, unit density, and conformity to the general plan with only 11 residential units. Council Member Blair Halverson also discussed how when he was helping to develop the general plan, there was a 45-minute discussion specifically related to this parcel and it was voted upon to keep it R-M (even though it was and still is his desire to make it commercial). This new proposal goes so much farther than what was previously recommended- from 11 units to 15 units (but code allowing up to 32 units that are 35 feet tall). Not only would there be 15 units with people living in them, but there would also be potential customers coming through, delivery trucks coming at all hours of the day, employees loading work trucks day and night, etc. This would significantly magnify the traffic and density problem you previously expressed and would also be allowing a higher amount of (commercial) traffic to exit into the old Maple Farms neighborhood which is also the same location where there is a blind bend in the road as well as a school bus stop and mailbox that is already clustered with cars (not to mention all the La Roca traffic coming through on that road that was never intended too). Old Maple Farms Road was never intended to be an Arterial street. I also have a major concern that all these units will be purchased by a larger company and leased out to other businesses. Once this happens, maintenance will decline and will not be a good first impression for those coming into the community as has been expressed as the 'councils desires'.

I am asking that you deny all 3 motions for Commercial Land at 6525 S 475 E in order to uphold the general plan which also reflects the desires of the community. Please do not allow anything over an R-5 on this parcel as was previously presented and encourage the developer to follow this route.

Thank you,

Ashton Chilcote- South Weber City

Comments to South Weber City Council
for 12Nov24 Meeting
by Paul A. Sturm

Public Comments and Questions for Agenda Item #6-Packet Pages 72--104 of 113

ACTION ITEMS

6. Public Hearing for General Plan Projected Land Use Map Amendment, Cooper's Landing Development Agreement and Cooper's Landing Zone Change

PURPOSE

Hold public hearing for General Plan Amendment, Development Agreement and Rezone request for Shane Turner, Cooper's Landing.

(Note; Some of the following was extracted from prior comments made to the PC.)

Comment: In all of my years of attending both PC & CC meetings, I have never seen so many items being pushed through during one meeting regarding a single project with the many associated interdependencies and three simultaneous changes being requested of the City.

1) I have some major questions and concerns regarding the material presented in the Packet. Page 73 of 113 from Staff shows a request being made for a rezone from "A" to "C-H" as shown below:

Property Information	
Site Location	Approximately 6526 S. 475 East
Tax ID Number	130060020
Applicant	Shane Turner
Owner	Shane Turner
Proposed Actions	Recommend approval or denial to City Council
Current Zoning	A (Agricultural)
Proposed Zoning	C-H (Highway Commercial Zone) Development Agreement
Current General Plan Land Use Classification	Residential Moderate Density (R-M)
Proposed General Plan Land Use Classification	Highway-Commercial (C-H)
Gross Site	2.2 Acres

2) *The Zone Change Application shown on Packet Page 75 of 113 from Shane Turner shows a requested zone change from **RI to HC**. The current zoning is **"A"**, NOT **RI**!*

1600 E. South Weber Drive
South Weber, UT 84405
www.southwebercity.com

GP Amendment, Rdzone Coopers Landing
801.479.3177
FAX 801-479-0966

SOUTH WEBER city

FOR OFFICE USE ONLY

Fee paid \$ _____ Receipt _____ Date _____

Recommended by Planning Commission on: _____

Approved by City Council on: _____

ZONE CHANGE APPLICATION

Approx. Location: 6525 S 475 E

Parcel Number(s) See attached Total Acres: 2.2

Request 2.2 Acres changed from R1 Zone to HC Zone

Acres changed from _____ Zone to _____ Zone

What Zone change is really being requested?

These discrepancies are the same type that I addressed during my Public Comments on 11Jul24, and still have **NOT** been addressed! Also, have the fees (not shown) for this process been collected

Public Hearing Comments:

One of the most serious concerns is Development Agreement (DA) Paragraph 3. Conflicting Provisions. It states that the DA takes precedence over City Ordinances in case of conflict! This essentially says that anything stated in the DA overrides and becomes law for the City.

1) Regarding a General Plan Amendment - A General Plan amendment is a very serious action that should not be taken lightly! The General Plan was developed and voted upon by all of the citizens of SWC after months of meetings and several votes! I do not know if it is appropriate to change the General Plan for just one developer who has a piece of property that does not fit existing City code. It should also be noted that this is the second time this developer has tried to get City approval for this property and that request was soundly rejected by the SWC City Council on 23Jul24.

2) Regarding the proposed Development Agreement. (It should be noted that the Development Agreement presented to the PC was only available 2 hours and 15 minutes prior to the PC meeting of 10Oct24)

When questioned by the PC for the short notice input, it was informed by City staff that there was no need to provide this information in advance because it did not change the agenda title. PC was told it was "NOT REQUIRED". If such a major change is not required, then what else could be slipped into a discussion under an Agenda Item?

There are numerous discrepancies in what is being proposed:

- a) The title says "Coppers Landing Flex Space Development" . There is NO FLEX zone in SWC. It has been considered by the SWC Code Committee and rejected at this time.**
- b) Paragraph 4- Proposing an ADU is in violation of the City Code regarding ADUs! An ADU is NOT permitted in a Commercial zone as being proposed, only Residential Zones! Also, it is not an allowable use according to the SWC Land Use Matrix 10-1-10. .**

Section 1. Amendment: Title 10 Chapter 1 Section 10 Definitions shall add the following:

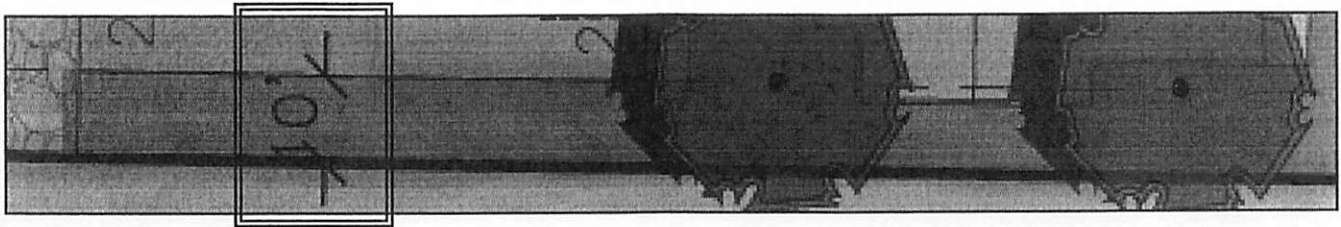
DWELLING, ACCESSORY UNIT:	A residential dwelling unit that is added to, created within, or detached from, a primary residential structure, located on the same lot as the primary residential structure, and that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU may be either an internal or external unit.
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ORD 2023-18 ADUs

Section 2. Amendment: Title 10 Chapter 1 Section 10A: Land Use Matrix shall add the line below.

10-1-10A: LAND USE MATRIX:												
	C	CH	CR	LI	TI	NR	A	RL	RLM	RM	RP	R5
Dwelling, Accessory Unit (External)							C	C	C	C		

c) **Paragraph 4 - Possible Height limit of 35 feet** -, the residents of Freedom Landing, especially along Aspen Lane could have a 35 foot tall building within 10 feet of their property line according to the graphic presented. on Packet Page 100 of 113.



This 10 foot setback is also a violation of City Code 10-5H-7. The graphic shows only a 10' setback not 20' as required for adjacent residential zones !

10-5H-7: LOCATION OF STRUCTURES:			
Structures	Front Setback	Side Setback	Rear Setback
Main and accessory structures	50 feet	No requirement, except 20 feet minimum for sides fronting on street. Where any wall has no windows exposed on that side, then no	10 feet from other zones, 20 feet from residential zones

***To the City Council** - How would you like a 35 foot wall in your backyard completely blocking your view?*

3) Regarding a Rezone Request -

This is where I have a particular heartburn! I doubt that any residents from Freedom Landing were made aware of this Public Hearing and Zone Change Request.

When City staff was asked, once again, why the adjacent residents were not sent a letter about this meeting was informed that it was "NOT REQUIRED". The explanation provided was that the Utah Legislature changed the 300 foot zone change notification law so a notification is no longer required!

*My question is, as the Mayor and City Council have done in the past, gone the extra mile and be transparent to keep SWC citizens informed, not just what is **required**, but what is **right**!*