

**From:** [Alyson Maw](#)  
**To:** [Public Comment](#)  
**Subject:** Preliminary Site Plan for The Lofts at Deer Run  
**Date:** Thursday, August 27, 2020 2:41:05 PM

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Keith and Alyson Maw

7913 S 2600 E, South Weber, UT 84405

We have concerns about this Development.

1- Ecological Ground Study to ensure that the ground is sturdy and stable for building a Retaining Wall, parking and the buildings required for this development. This needs to be shared with those living within the 300 foot radius of the development. Has there been a recent Ground Study on the property?

2- Show the plans for the ability to have parking for 148 cars, which is 2 cars per family, with extra room for visitors to park.

3- Weber/Davis Canal company will be building a fence to protect the residents and their children from the canal. Living right by the canal can be dangerous.

4- The visual acceptance of the style of the development. My understanding, it looks like the ones being built in Clearfield City on main, across from their city building. Looks more like a business, than a condo or residential building.

5- Keeping the noise, and dust level down during the construction of this development.

Our vote for my husband and myself, is we would rather NOT have condos across the canal from our property. However, I also feel that the city already made their bed accepting the changes and development back in 2017.

Alyson and Keith Maw

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Alyson Maw / Realtor

801-791-7253

Utah Prestige Real Estate, LLC

[www.mawshomes.com](http://www.mawshomes.com)

"Trust me to Find your way Home"

Amy Mitchell

1923 Deer Run Drive

Dear Mayor, City Council Members and Planning Commission-

I am writing in reference to the special meeting with regards to the Lofts.

I can't believe we are finally getting to see what they have come up with. I opened up the packet expecting something amazing for how long it took and all I wanted to say was... blah! I will get to the aesthetics later... but for now, let's address the glaring obvious... the parking! This development has inadequate parking to say the least! If these are only allowing 74 designated spaces, 1 per unit and 90 shared parking for residents and commercial, how on earth will they ever have enough room during this time when so many of us are working from home and not going into the office? When this was presented in the beginning people were going to work and leaving home every day. Now many people are doing everything at home. How will the shared parking work then? We have no on street parking along 2700, so that leaves people parking along other residential roads. Home owners who live on these roads should expect that they can keep the parking in front of their own homes for their own cars and not all of their new neighbors. When the snow falls, where will they park and where will all of the snow go? What about the employee parking for the commercial? I would like to know where guests will park, or what about if they are renting out space to 3 or more adults, so now there is even more cars to deal with. So many parking issues that don't seem to be addressed effectively in the plans.

I know that this developer is asking for a variance for a retaining wall to allow for the parking lot. I ask you to please tell them to come back with a plan that actually meets our city code with no variances of any kind! It is our only way to bring this development in to something we can tolerate. As a citizen who has listened to countless hours of meetings, I beg of you to please fulfill your promise that you will do everything you can to help give the residents of our city the very best. We have been told that there is no way to try to fix the mistake made by agreeing to the zoning change, but I disagree. We have heard repeatedly that you were "hoodwinked". Let's move past this and expect more! Let's hold him to every single thing we can so he has to change his development to fit our code, not change our code to fit his development. He knew how steep the slope in this property was prior to purchasing it. We can't change his bad purchase and we don't have to suffer for it. It's time we stand up to developers and make them develop the way we want for our city. They do their development and then move on, we have to live with what they have left behind. I understand that there is a HOA at his other property in Sunset. Doing a simple Facebook search brought up some issues that they have with their parking. Someone posted:

"There is nothing the HOA is willing to do regarding tenants' visitor parking. Tenants will feign ignorance/mistake when their visitors take your parking. It is assigned parking, but instead of giving up their own parking spot they'll gladly use whoevers spot is open then have the audacity to yell at you. There is no recourse for you as a tenant. The police can't do anything because it's private property. Property managers can't do anything because their only concern is the townhome. HOA is useless. They don't answer their phone, text messages go unanswered. "

This will be the same problems here in our city and if he just walks away, then it is up to our code enforcement to take care of these issues when people park on the road, which means an added expense to us!

They have dedicated a huge amount of space for a daycare, but I don't see much outdoor space for it. The State of Utah requires a certain amount of outdoor space as well as who can live close to a daycare. Do they have a process in place to screen those that are purchasing a condo there? And who do we think will buy a 700 square foot condo? Can we not encourage him to double the size of the townhouses and make something really nice? What is their contingency plan if the daycare doesn't come or if after a year they find that commercial can't survive there? We certainly do not want it to sit empty and become a blight or add in more housing where the commercial was supposed to go.



As we send the developer back to the drawing board... we need to help them to know how they can improve on the style! What they gave us was just plain! I ask you to push them to make the buildings look better and inviting. I am including some options of buildings that I think would at the very least look good! The Lofts at Deer Run rendition reminds me of the Aero buildings on Hillfield road just before Northridge. They are all exactly the same with no character and they have a lot that are empty still! If this development is going to be on the frontage road and be something to draw in customers to the commercial and buyers for the condos, let's have it look the very best we can! Let's give all those neighbors that are losing their beautiful view something that isn't horrible! I think adding the country charm we have come to love and expect in South Weber should be something we expect these developers to adhere to. Again, thanks to Google... here are some amazing 3 story projects that I think could give some ideas as to how to change their plan just a little to make it pleasing to the eye for not just the residents in the lofts, but also all of us who have to look at it while we live here. We should ask for something that fits our city!



Balcony's and awnings to define spaces, crisp clean white, painted cement board or some way to define space. We should ask for courtyards for people to be outside. It might even bring in a food place to the commercial. Maybe each building can look slightly different than the other ones. These are just a few pictures I found in looking for a couple minutes. With the right architect, the possibilities are endless and we need to require them to not just meet our code, but give us something that doesn't look like a cell block or college dorms! It's obvious that this developer is just after making as much money as possible so he can move on to



the next project. We have to live with what's left behind, so just like with the Stephens's property... send him back to the drawing board as many times as it takes to get it right!



I can't imagine the task you all have with this project!!

Please take your time. We don't need to rush through this and let mistakes continue to happen. Know that citizens stand behind you and we want you to say no to the variance, no to the look of it, no to the parking. You are our first line of defense in asking for more! He is just after a financial gain, while we are seeking life long residents and not something with a high turn-over!

Sincerely,

Amy Mitchell

**From:** [Bart Boren](#)  
**To:** [Public Comment](#)  
**Subject:** LOFT development  
**Date:** Thursday, August 27, 2020 7:29:44 AM

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Dear Planning Commission,

I would like to take the opportunity to voice my opinion in the Lofts development. I can passionately say that I am opposed to the development, it is too big for the space and will be a black eye on the community. With that being said, the Lofts development has already recieved many variances just to be able to get it to the point that it is at now. Please as a representative of the residents of South Weber, please do not continue to hand over variances to a development that the people do NOT want in their community. This does not need to turn into a variance eye sore/ nightmare. You have the chance to make a difference and require that they meet the codes of our city, as we residents have, and give us a plan that fits our city. Or not at all...

I was at the initial meeting where they asked to have the zoning changed. I spoke, personally with Lori and she assured me, promised me, that there was not ANY plans for HDH. As a citizen who believed in the system and believed in the word of a fellow human being, I feel like we recieved a slap in the face with this development, or as we have labeled it 'Hood Winked'. PLEASE I implore you, do not continue to be pressured to put this through. They played dirty to get it here, let's make them clean it up.

I request that this email be entered into the minutes, as public comment.

Thank you for your time,

Sincerely,

Emily Boren  
7989 S 2625 E

**From:** [Beth Clemenger](#)  
**To:** [Public Comment](#)  
**Subject:** FW: Meeting for Lofts Proposal/Public Comment  
**Date:** Thursday, August 27, 2020 6:55:07 AM

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Please submit this letter for public comment. Thank you. Beth Clemenger 2384 Deer Run Drive South Weber Utah 84405

Sent from [Mail](#) for Windows 10

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**From:** [Beth Clemenger](#)  
**Sent:** Wednesday, August 26, 2020 6:46 PM  
**To:** [gboatright@southwebercity.com](mailto:gboatright@southwebercity.com); [tgrubb@southwebercity.com](mailto:tgrubb@southwebercity.com); [wjohnson@southwebercity.com](mailto:wjohnson@southwebercity.com); [twalton@southwebercity.com](mailto:twalton@southwebercity.com); [ROSBORNE@southwebercity.com](mailto:ROSBORNE@southwebercity.com)  
**Subject:** Meeting for Lofts Proposal/Public Comment

Dear Planning Commissioners,

We moved to South Weber 2384 Deer Run Drive, in 2017, as we fell in love with the quiet rural feel and mountain views. My husband works at Hill AFB and I work at HighMark Charter school. We recreate at Snow Basin and the surrounding area. We were completely in shock when we discovered the Lofts development that was being put in at the end of Deer Run Drive. **Our property is directly next to the canal**, we are worried about a breach if the canal is compromised during building of this complex. We purchased our home on Deer Run and in just the three years we have lived here we have already noticed an uptick in the cars in our quiet residential neighborhood. We are very disappointed that such a apartment complex is going in and extremely worried about how it will impact our neighborhood, our property, and destroy the wonderful mountain views of our neighbors who will now live **BEHIND** this complex. These are our concerns:

Increase in traffic on the frontage road toward Maverick.  
Transient individuals moving in and out of the apartments.  
Loss of view for the homes on the east end of Deer Run Drive  
Congestion on the frontage road, increased wait time to get to I89  
Size of the parking lot and the increase noise to neighbors nearby  
Retention issues of the land plot, unstable slope questions  
Impact on the canal (retention) issues due to sensitive nature of the land  
Safety of children that are trying to walk or bike to school at HighMark  
The size and number of units proposed on this size of property  
Cosmetic presentation of the apartments does not distract from the **beauty of the mountains this complex will BLOCK**  
**Expect that all codes are MET and NO Variances allowed**

We are **very disappointed** as new home homeowners and residents to South Weber that this type of complex was even allowed to come to fruition. It will diminish the value of our homes, detract from the beauty of our neighborhood, endanger children, and bring a "transient" population with increased crime to our quiet and SAFE residential neighborhood. **Please submit our concerns as**

**PUBLIC COMMENT.**

Thank you, Beth Clemenger  
2384 Deer Run Drive  
South Weber, Utah 84405

Sent from [Mail](#) for Windows 10

**From:** [Brandyn](#)  
**To:** [Jo Sjoblom](#); [Wayne Winsor](#); [Angie Petty](#); [Quin Soderquist](#); [Hayley Alberts](#); [Blair Halverson](#); [Robert Osborne](#); [Gary Boatright Jr.](#); [Tim Grubb](#); [Wes Johnson](#); [Taylor Walton](#); [David J. Larson](#); [Public Comment](#)  
**Subject:** The Lofts Site Plan and Special Meeting concerns - Table consideration until better City and citizen review  
**Date:** Thursday, August 27, 2020 2:23:03 PM

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Mayor, City Council, and Planning Commission,

Please table the Lofts approval in the special meeting scheduled tonight allowing adequate time for a thorough review of the 460+ proposal!

The city already did the city and residents the mistake of previously racing through and signing the developer agreement in 2019 with very little citizen knowledge, time to share public comments after reviewing it, and transparency of the many concerning commitments, errors, and guarantees given in the agreement. This 460+ page document the City should absolutely allow City leaders and citizens adequate time to review and comment on to mitigate as much costly and long term issues that could be anticipated in this developer written proposal for their financial gain.

With only 6 days that it has been posted, and I believe was very likely strategically scheduled for a special meeting during Back to School week when many citizens or city leaders are preoccupied and limited in their time and obligations to go page by page through the many significant and important details. The City Council, Planning Commission and citizens need time to review the variances, possible conflicts of interest, and developer written exceptions being proposed. Additionally, please hold the developer strictly to all of the city codes and restrictions with no additional exceptions or variations as this development is already at maximum high density that is in vast contrast from all the other surrounding residential properties and knew the limitations and challenges this property would present.

With the average number of vehicles per household, guests, commercial space with parking for employees and customers especially during winter with little to no green space to hold snow will further limit parking when there is already far too few parking and green space to what is logical and reasonable without having never ending parking, safety, and traffic concerns with an estimated "1,730 daily trips" or vehicles each day according to their traffic study, making left hand turns from two entrance/exits in a very short distance to one another onto the already narrow road obstructing the flow of traffic among other possible concerns.

We firmly feel after hours of reviewing audio and city records that Laurie Gale was deceptive in public meetings that we understand has legal standing in presenting this development originally as "a Daycare" rather than a huge high density complex with a daycare business possibly within a suite of the development. The City allowed the rezone with consideration based on the pretense of a Daycare and many leaders have expressed concerns publically being "hoodwinked" and tricked into this rezone. While the City had a stronger legal standing before the property was sold to the developer and before the City signed a poorly written agreement with very little transparency and awareness to citizens in 2019, we understand the City is now bound by what is code and limited ability to improve the huge wall of a building and very frequent high traffic that will be constantly making left hand turns crossing traffic around what will become two very limited visibility driveways. Please firmly hold the developer strictly to all the existing City codes with no exceptions or variations just to add even greater financial gain or savings to the developer with only negative impacts and little to no benefits to surrounding residence or community. Please also reference the Sunset City dispute online with the developer trying to force through an unapproved sewer lift that becomes costly to citizens and the city later, and if I recall correctly, the dispute was because the sewer lift was added without Sunset City knowledge or prior approval. Please ensure we are not stuck with similar burdens and issues the City, residents, homeowners association, or neighborhood is burdened with that can be foreseen.

I am one who is not anti-development, but very much for wise development that makes sense. This development, unlike the Patio homes and townhomes up the street that had little to no resistance, simply does not compliment the surrounding residential community and these developments should

be built on lots with better multi-street access into the property and not on a hillside. Maximizing the very highest financial gain for the developer should not be our City's responsibility or primary concern. Please also verify that the acreage has been verified to the number of units allowable, excluding the north lot that is divided from the property by canal and therefore should not be considered in greenspace, parking, or number of unit calculations. Just as a homeowner cannot purchase a lot on the other side of their neighbor that would not give them rights to have horse, livestock, or larger building than their single, undivided lot allows or this shall set precedence for homeowners and future developers. I am so glad I do not live directly next to this property and so sorry for those long term neighbors who will now have a towering 3 story tall buildings looking down into and placing an indefinitely shadow, noise, lack of privacy, and blocking former mountain views from their backyards.

Living up the road my greatest concerns personally are the traffic safety, eyesore, and the property being next to a loud highway with bad parking and green space will increase the turnover and in a short number of years will become rundown with a notable increase in crime and transient residents. I do not believe I have ever heard any developer not say almost verbatim to cities, just as this developer did last year, "we are building a high quality development" suggesting unlike every other developer. Please consider the immediate surrounding property owners rights and neighborhoods that will be negatively impacted by this development with limited access from road, safety concerns with left hand turns around limited view corner, how large delivery, construction, and moving trucks will be able to navigate and access the property without illegally crossing the double yellow line and impeding oncoming traffic safety or flow navigating down into the property. The lack of reasonable green space solely so for the developer's financial gain to grossly maximize the very highest number of units possible. Hopefully improvements to the city code will no longer be allowable within South Weber City. This development size on what we can anticipate based on historical slopes and landslides through Layton to Washington Terraces should be considered for this odd development that would be more appropriate with better street access on relatively flat property. Retention and other structures should be kept to existing environmental and other noted restrictions. The well-established developer purchased this property knowing the high financial return they will gain from 70 or so units but also clearly knowing the odd shape and steep hillside with limited access this property will require or limit for development. The city should not allow exceptions to it's codes or conditional use for any claimed hardship or variations to hillside retention, sewer lifts, parking, retention, or other reasons that this developer had legal consideration and reasonable expectation of prior to purchasing this property.

And last, the architectural look. If we are going to continue referring to "Country Fair Days" then we should have a country or at least a more rural, residential look than the contemporary look that has been proposed and contemporary as we see countless down Hillfield road, State street in Clearfield, and through downtown Salt Lake. We have very limited space left in South Weber and we need our Planning Commission to set and expect more consistent architectural designs that complement our community or get rid of the "country" in Country Fair Days so we do not look like a hodge-podge patch work city with an identity crisis. When Walmart or Smiths wants to build in Park City, they comply with the architectural design that all can expect. While nobody is saying we should follow Park City in our strict building codes, we can definitely better define what the look and feel of the future of South Weber should be consistent with.

Thank you for the many hours of work each of you will spend reviewing this important decision and for all the countless hours of work you do for our City and citizens who have to live with whatever developments are approved as you do your best to balance the interest and legal rights of residents, the city, and developers.

Sincerely,

Brandyn Bodily

2408 E 8240 S, South Weber



**From:** [Ember Davis](#)  
**To:** [Public Comment](#)  
**Subject:** Public Comment 8.27.2020 - "The Lofts"  
**Date:** Thursday, August 27, 2020 2:04:57 PM

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Dear Planning Commission,

I wanted to reach out about the discussion regarding The Lofts tonight.

As you are painfully aware this development has had so much attention and controversy. I don't need to get into every detail, as I have faith you will take on this task with much more expertise than my own.

It's been said many times we have been misled by these developers and now we are stuck with it.

**Please don't let this deception continue and hold them to every letter of the code that you can.** I

am just heartbroken for the citizens that live next to this development that their views will be destroyed and they will be towered over by what resembles a cell block.

Please do all you can to protect these citizens and all of us as this development will literally and figuratively cast a dark shadow as we enter our beautiful city.

Thank you for your time, hard work and continued diligence.

**Ember Davis**  
**7362 S 2050 E**  
**South Weber, UT 84405**

**From:** [Julie](#)  
**To:** [Public Comment](#)  
**Cc:** [Barry Burton](#); [Robert Osborne](#); [Tim Grubb](#); [Taylor Walton](#); [Wes Johnson](#); [Gary Boatright Jr.](#)  
**Subject:** Public Comments for Aug 28, 2020 - South Weber City - Planning Commission Meeting  
**Date:** Wednesday, August 26, 2020 2:54:59 PM  
**Attachments:** [TheLofts\\_DeveloperSurveyDec2019\\_ZoomedInUpperSections\\_ExistingParcelDescriptionsIncreasedInSize\\_DeveloperSurveyNotForRecordingAug2019\\_RecordedDocs\\_PublicComment.pdf](#)

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## Public Comments for Aug 28, 2020 - South Weber City - Planning Commission Meeting

Julie Losee

2541 E 8200 S

South Weber, UT 84405

Regarding the Lofts Proposal in front of you for consideration - First and Foremost - please do NOT approve this development tonight. There is more work that needs to be done and many problems that need to be addressed!

I have read through every single page of this proposal (all 400+) multiple times and I hope you have as well, so we are all seeing the same issues.

1 - There are 4 parcels located on the south side of the canal

- 13-041-0062 - 1.581 acres
- 13-041-0068 - .388 acres
- 13-140-0010 - .51 acres
- 13-041-0118 - .26 acres

The entire target property on the south side of the canal encompasses approximately 2.74 acres. (2.739 ACRES to be exact)

The lot to the North of the Canal is Parcel # 13-041-0115, and is .31 acres in size and that Lot is zoned Residential and was not included in the original rezone request to C-O by former owner Laurie Gale back in 2017 and is NOT a factor for consideration when determining total number of units based on acreage.

In addition to the Development Agreement - Exhibit A, the Recorded Warranty Deed, the Recorded Quit Claim Deed and the Recorded Deed of Trust - Exhibit A - all documents show the recorded legal parcel descriptions with Davis County that show the 4 lots as having 2.739 acres, there is also a letter from Barry Burton dated Aug 2, 2017 says "This is a proposal for re-zone of 2.74 acres from C-H to C-O". These documents have all been included in the attachment below for your review/consideration!

The Phase I Environmental Site Assessment done by CMT Engineering Laboratories from April 10, 2020 says 2.74 acres in multiple locations throughout the report.

The developer is the only one who seems to think he has more land than what the recorded documents from the county show him as owning. From an independent survey that was done and paid for by the developer that clearly states on the Aug 2019 version "Not For Recording", and even the Dec 2019 version that was stamped by the surveyor, has an incorrect existing parcel description and acreage calculation. I believe there is a transposition with the acreage on parcel 13-041-0118 and it should read .26 acres NOT .31 acres for the last parcel being described in the upper right section of the survey. A blown-up portion has been included for your consideration, with my notations as well as a correction to the North direction arrow notated on the survey.

Developer paid Surveys DO NOT trump officially recorded documents held with Davis County, unless the developer plans on going through the vetting process with the County and having his survey recorded with the County. Does he plan to do this? And if not, then ask yourselves why? Because he knows the size of the lots he has and it's only 2.739 acres and per our C-O code will only allow for 68 units! I'll say it again – the maximum number of units PER OUR CODE is 68 units!

2 - Regarding # of Parking Spaces – I understand that the Development Agreement recorded on 7/1/2019 says there should be 164 parking spaces with 74 for residents and the remaining to be shared with the commercial but I feel that in the best interest of our future residents each unit should have 2 designated parking spaces. Most households have 2 cars, not 1. There should be NO SHARING of parking spaces with Commercial as the developer has proposed in this development and other development's like the one in Sunset City. With more people working from home and telecommuting, you cannot count on those homeowners being gone for the day and parking spaces opening up for commercial customer use. This is not fair to our future residents and it should not be allowed. The 164 parking spaces does not account for the proposed Day car parking, guest parking or address what happens in winter when snow banks pile up and take up precious parking spaces. Having cars spill out into the surrounding neighborhood streets is NOT a viable option and parking along 2700 has already been deemed unsafe and marked accordingly due to narrowness of travel lanes/road and other factors. If the total number of units needs to be reduced in order to allow for adequate parking for all, then so be it. It is not up to the Planning Commission or City Council or Staff to make this development profitable for a developer, it's up to the Planning Commission and City Council and Staff to ensure that its citizens have a community where they can be safe, and live in, and park their cars in, to the very best that they can.



3 - Regarding the size of the units the developer is proposing that are under 1,000 sq. feet - for reference - In Cambridge Crossing, the apartments located in South Weber, a 1-bedroom apartment is 1,004 sq. feet. A 2-bedroom apartment is 1,215 sq feet and a 3-bedroom apartment is 1,395 sq. feet. The Lofts are supposed to be a step up from apartments and an option for first time home buyers. 700 sq feet is NOT enough space for 2 people and especially not enough space for a family. Even if you have a roommate situation, then 700 sq. feet of space is still an issue and now you have 2 separate individuals who will need parking spaces for their vehicle. We need the Lofts to be a BETTER housing option for our future citizens, not a worse one.

4 - Do we know if the Developer has a Day Care Provider that is weighing in on the design for the Day care location in Building 1? I know that the state has very specific requirements for access, control of access, open space, play areas, parking spaces, and anything and everything else that you can think of that will need to be considered. Also – what happens to this space should a day care provider never be found to occupy the space? What then? What protection/recourse do we as Citizens and the City have?

5 - I question the timing of when the traffic studies were done and the actual impacts to 2700 E and South Weber Drive, given that both studies done were not conducted when school at the local Charter school or Elementary school were in session. I think there would be an increased % to the impacts this development will bring, given current and future resident road usage during the school year. Especially considering the plans for a day care facility which will definitely have an impact and cause an increase to the traffic levels and road usage due to people both inside and outside the community traveling along 2700 E and South Weber Drive and surrounding roads to drop off and pick up children from the day care in addition to the workers and staff for the day care.

6 - Safety for future residents and existing neighboring homeowners is crucial and no wavering or concession should be permitted when it comes to buffer yard zoning or retaining wall requirements. If a slope of the land is “too steep” to be deemed safe for residents, than resolve it without doing away with buffer zones and proper retention supports. The land is in a designated sensitive lands area on our General Plans map (and has been for quite some time) should be given extra consideration and attention to ensure that something is not done for the developers benefit that will cause sloping or sliding or other hazardous conditions for the future residents and existing neighbors to “deal with” long after the developer has moved on.

7 - Overall building design and construction materials - I truly feel sorry for the neighbors located to the West that will have to look at the back side of this development. Can you say totally bland and visually unappealing? I would like to see the stone or other materials carried from the front renderings over onto the west side of the building to give those having to look at that side of the building, instead of the mountain views, something that blends in better with the surrounding landscape. How about a break-up of all the flat areas with beams or other architectural stylings? Where is the character and charm and imagery that we are hoping to put out to surrounding communities that shows what South Weber is? As presented, this design is blah!!

8 - Proposing two 10-foot cement retaining walls, right next to the proposed day care and right alongside the neighboring single-family homes?! How is that even safe or in the best interests for anyone?

Final thoughts:

1<sup>st</sup> - thank you for listening/reading my comments and for all that you do and the time and care and consideration you are giving these plans.

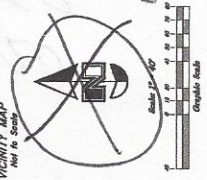
2<sup>nd</sup> - I'm asking every member of the Planning Commission to stand up for the residents, both current and future, and make sure this development is the very best it can be and in its current state, it's just not there. Be our voice and take a stand. Please DO NOT APPROVE THESE PLANS! The developer has a lot more work to do!

Sincerely,

Julie Losee

<p><b>Record of Survey</b></p> <p><b>Sunset Builders</b></p> <p>A part of Section 38, 15N, 81W, SLB&amp;N, U.S. Survey</p> <p>Approx. 7900 South 2700 East</p> <p>South Weber City, Davis County, Utah</p>			<p><b>1</b></p> <p><b>19 Dec, 2019</b></p> <p><b>SUNSET INC.</b></p> <p><b>OWNER</b></p>		
<p><b>GREAT BASIN ENGINEERING INC</b></p> <p>5746 SOUTH 1475 EAST 0800N, UTAH 84403</p> <p>MAN (801)294-9515, S.L.C (801)521-0225 FAX (801)295-7544</p> <p>W.W.W. GREATBASINEENGINEERING.COM</p>			<p><b>BY</b></p> <p><b>DATE</b></p> <p><b>REVISIONS</b></p>		

BACK UP ON NEXT PAGE



**NARRATIVE**

This Survey was requested by Mr. Henry De Vorens of Sunset Builders to refinance the boundaries of these parcel and gather topographic information for design purposes. The survey was run around the site and along the Canal. The monuments were found at the East Corner Center and the Center of Section 36, 12N, 11W, SR48M.

A Line bearing South 89°55'06" East between these two monuments was used as the axis of bearings.



13-140-0010

## EXISTING PARCEL DESCRIPTIONS

All Of Lot 2, Deer Run Estates Unit No 5. Except Thereof The Following: A Parcel Of Land In Fee For The Widening Of Exist State Hwy 89 Known As Project No 0089, Being Part Of An Entire Tract Of Property Situated In Lot 2, Deer Run Estates Unit No 5, A Sub In The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; The Boundary Of said Parcel Of Land Are Described As Follows: Beg At The Southeast Corner Of said Lot 2, At A Pt 20.751 M (68.08 feet) Perpendicularly Distant Northerly from The Center Line Of Deer Run Drive (7950 South Street) Of said Project, At Engineer Station 0+003.570; & Run thence North 12°25'38" West 19.039 M (62.46 feet) Along The Easterly Boundary Line Of said Lot 2; thence South 3°59'37" West 20.019 M (65.68 feet) To The Southerly Boundary Line Of said Lot 2; thence Easterly 5.662 M (18.58 feet) Along The Arc Of A 96.978 M (318.17 feet) Radius Curve To The Right (Note: Chord To said Curve Bears North 75°54'58" East For A Dist Of 5.662 M (18.58 feet)) To The Pob.

Cont 0.51 Acre

13-041-0002

Beginning on The West Line of a Highway, 125 Feet Perpendicularly Distant Westerly from The Center Line Thereof, At A Point 692.5 feet East & South 4°12' West 479.28 Feet & North 85°48'W 142 feet, M/L, from The Northwest Corner Of The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; Run thence South 4°00' West 243.47 feet, M/L, Along West Line said Hwy To Deer Run Estates Unit No 5; thence N 87°57'40" West 289.07 feet To The Easterly Line Of The Davis & Weber Co Canal Company R/W; thence Northerly Along The Easterly & Southerly Line Of said Canal R/W To A Pt South 83°46' West 136.27 feet, M/L, & South 67°01' West 74.64 feet Along said R/W from The West Line Of said Hwy; thence South 4°12' West 133.40 feet; thence South 85°48' East 66.0 feet To The Pob.

Cont. 1.581 Acre

13-041-0068

Beg At A Pt 707.37 feet East & South 4°12' West 283.3 feet & South 83°46' West 152.07 feet from Northwest Corner Of Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; thence South 83°46' West Along Canal R/W 9.20 feet; thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet, M/L, To Westerly R/W Line of Frontage Rd; thence North 4°00' East 170.08 feet, M/L, To Pob.

Cont. 0.388 Acres

13-041-0118 → LEGAL DESCRIPTION IS NOT BEING REFORWARDED FOR 13-041-0118. 26 ACRES \*

A Tract Of Land In Fee Sit In The Northwest 1/4 Of Sec 36-T5n-R1w, SLB&M, The Boundary Of said Tract Of Land Are Described As Follows: Beg At The Northwest Corner Of said Tract, Which Point Is East 434.00 feet from The West 1/4 Corner Of said Sec 36; & Run thence East 45.36 feet; thence Southeasterly 169.29 feet Along The Arc Of A 626.80 feet Radius Curve To The Right (Note: Chord Bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet To The Pob.

Cont 0.31 Acres

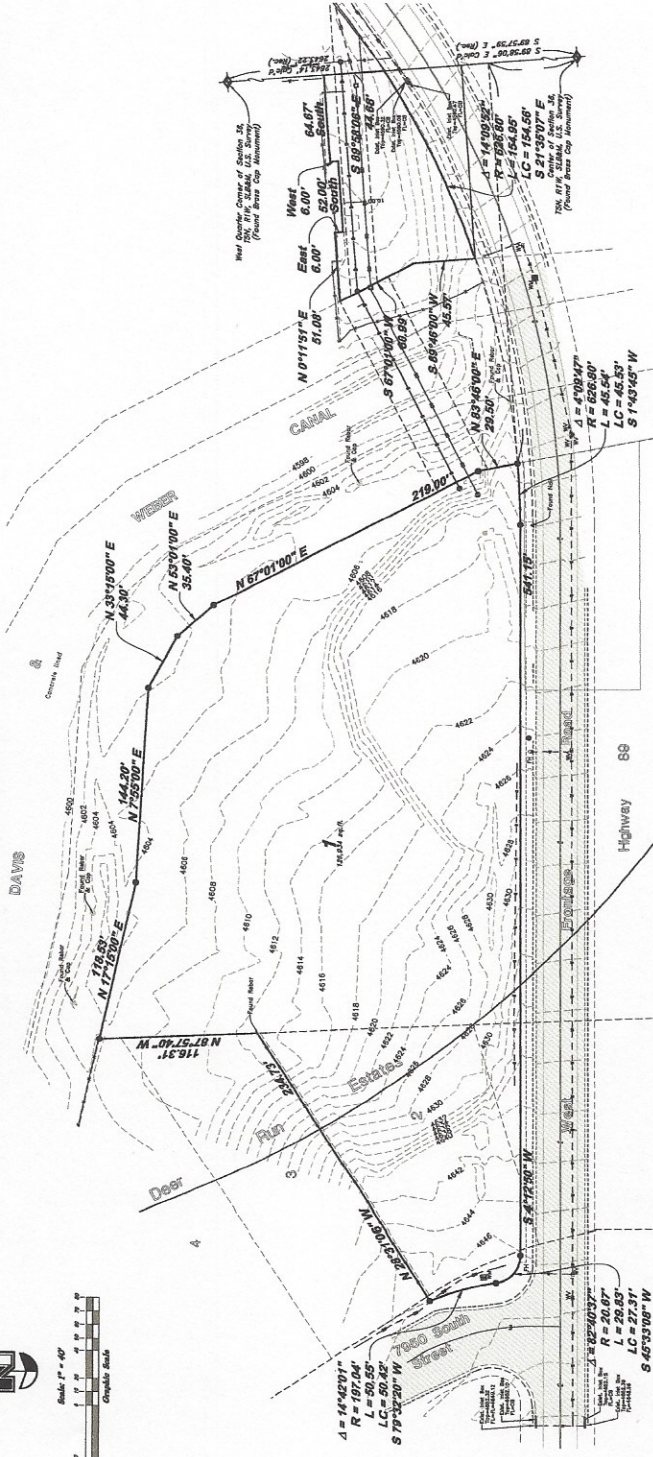
LEGAL DESCRIPTION FOR

CONT. 0.26 ACRES NOT .31 ACRES.

PARCEL # 13-041-0115 • LOT ON NORTH SIDE OF CANAL CONTAINS MEASURES @  
• 31 ZONED RESIDENTIAL. NOT FOR CONSIDERATION  
ALP



## AS-SURVEYED PARCEL DESCRIPTIONS

[illegible][illegible][illegible]

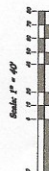
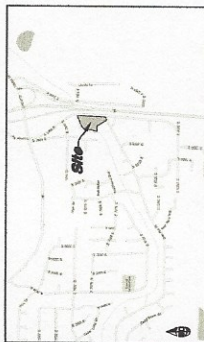
**NARRATIVE**

This Survey was requested by Mr. Henry De Varona of Sunset Builders to retrace the boundaries of these parcels and gather topographic information for design purposes. Multiple rebar were found around the site and along the Canal. Brass Cap Monuments were found at the West Quarter Corner and the Center of Section 35, T3N, R1W, S18RM. A Line bearing South 89°56'06" East between these two monuments was used as the basis of bearings.

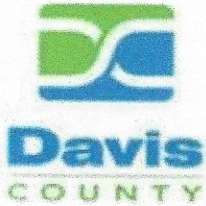
## SUPERVISOR'S CERTIFICATE

I, Andy Hubbard do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 6242220. In accordance with Title 58, Chapter 22, of the Professional Engineers and Professional Surveyors Licensing Act, I have made a survey of the above described property according to Section 17-23-17 and that the evidence that I normally have the true dimensions of the property is as follows:

Andy Hubbard







## *Community and Economic Development*

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Davis County Administration Building - 61 S. Main Street - Farmington Utah 84025  
Telephone: (801) 451-3279- Fax: (801) 451-3281  
Barry Burton/Director

### **PROJECT REVIEW DEER RUN PLAZA INC. REZONE By Barry Burton**

August 2, 2017

#### **General:**

This is a proposal for rezone of 2.74 acres from C-H and C to C-O. The C-O zone would allow for a residential component to development of the property along with commercial or business uses. The general plan indicates this area to be commercial with a mixed use overlay, so the proposal fits within that recommendation.

This is a property that has been for sale for a long time. I have had numerous inquiries from potential buyers concerning development possibilities on this property. Without exception, all to date have indicated this is not viable commercial property and would only consider purchasing if high density residential were allowed. The P-O zone allows between 8 and 25 units per acre with no distinction between residential and commercial units. Residential uses are conditional uses and are encouraged to be part of live/work units, but may be separate from commercial uses with Planning Commission approval.

#### **Recommendation:**

I don't believe the property is good for straight commercial development. It is too far from the interchange and too small for any large development. This proposal seems like the most likely to provide for a viable development alternative if the high density residential zone (R-H) is not an alternative. And, by our General Plan, it isn't. I recommend approval.



FROM DEVELOPMENT  
AGREEMENT  
RECORDED

7/1/2019

3169718  
BK 7295 PG 569

EXHIBIT "A"  
THE LOFTS AT DEER RUN  
BOUNDARY DESCRIPTION

13-041-0062

BEG ON THE W LINE OF A HWY, 125 FT PERP'LY DISTANT W'LY FR THE CENTER LINE THEREOF, AT A PT 692.5 FT E & S 4°12' W 479.28 FT & N 85°48' W 142 FT, M/L, FR THE NW COR OF THE SW 1/4 OF SEC 36-T5N-R1W, SLM; RUN TH S 4° W 243.47 FT, M/L, ALG W LINE SD HWY TO DEER RUN ESTATES UNIT NO 5; TH N 87°57'40" W 289.07 FT TO THE E'LY LINE OF THE DAVIS & WEBER CO CANAL COMPANY R/W; TH NE'LY ALG THE E'LY & S'LY LINE OF SD CANAL R/W TO A PT S 83°46' W 136.27 FT, M/L, & S 67°01' W 74.64 FT ALG SD R/W FR THE W LINE OF SD HWY; TH S 4°12' W 133.40 FT; TH S 85°48' E 66.0 FT TO THE POB. CONT. 1.581 ACRES.

13-041-0115

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE DESC AS FOLLOWS: BEG AT THE NW COR OF SD TRACT, WH PT IS E 434.00 FT FR THE W 1/4 COR OF SD SEC 36; & RUN TH E 45.36 FT; TH SE'LY 169.29 FT ALG THE ARC OF A 626.80 FT RAD CURVE TO THE RIGHT (NOTE: CHORD BEARS S 21°03'13" E 168.80 FT); TH S 83°21'47" W 47.65 FT; TH S 86°36'47" W 63.92 FT; TH N 71.41 FT; TH E 6.00 FT; TH N 52.00 FT; TH W 6.00 FT; TH N 65.00 FT TO THE POB. CONT. 0.31 ACRES

13-041-0068

BEG AT A PT 707.37 FT E & S 4°12' W 283.3 FT & S 83°46' W 152.07 FT FR NW COR OF SW 1/4 OF SEC 36-T5N-R1W, SLM; TH S 83°46' W ALG CANAL R/W 9.20 FT; TH S 67°01' W 74.64 FT; TH S 4°12' W 133.4 FT; TH S 85°48' E 76.00 FT, M/L, TO W'LY R/W LINE OF FRONTAGE RD; TH N 4°00' E 170.08 FT, M/L, TO POB. CONT. 0.388 ACRES

13-041-0118

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE DESC AS FOLLOWS: BEG AT THE N'LY BNDRY LINE OF SD TRACT AT A PT 200.00 FT PERP'LY DIST W'LY FR THE CENTERLINE OF SD PROJECT, WH PT IS E 707.37 FT & S 4°12' W 283.30 FT & S 83°46'00" W 127.07 FT FR THE NW COR OF THE SW 1/4 OF SD SEC 36 SD PT BEING THE S'LY R/W LINE OF THE WEBER COUNTY CANAL COMPANY; & RUN TH S 4°00'00" W 413.55 FT; TH N 87°57'40" W 7.19 FT; TH S 12°25'38" E 106.71 FT; TH N 4°00' E 520.30 FT; TH S 83°46'00" W 23.37 FT TO THE POB. CONT. 0.26 ACRES

13-140-0010

ALL OF LOT 2, DEER RUN ESTATES UNIT NO 5. EXCEPT THEREFR THE FOLLOWING: A PARCEL OF LAND IN FEE FOR THE WIDENING OF EXIST STATE HWY 89 KNOWN AS PROJECT NO 0089, BEING PART OF AN ENTIRE TRACT OF PPTY SIT IN LOT 2, DEER RUN ESTATES UNIT NO 5, A SUB IN THE SW 1/4 OF SEC 36-T5N-R1W, SLM; THE BNDRY OF SD PARCEL OF LAND ARE DESC AS FOLLOWS: BEG AT THE SE COR OF SD LOT 2, AT A PT 20.751 M (68.08 FT) PERP'LY DISTANT N'LY FR THE CENTER LINE OF DEER RUN DRIVE (7950 SOUTH STR) OF SD PROJECT, AT ENGINEER STATION 0+003.570; & RUN TH N 12°25'38" W 19.039 M (62.46 FT) ALG THE E'LY BNDRY LINE OF SD LOT 2; TH S 3°59'37" W 20.019 M (65.68 FT) TO THE S'LY BNDRY LINE OF SD LOT 2; TH E'LY 5.662 M (18.58 FT) ALG THE ARC OF A 96.978 M (318.17 FT) RAD CURVE TO THE RIGHT (NOTE: CHORD TO SD CURVE BEARS N 75°54'58" E FOR A DIST OF 5.662 M (18.58 FT)) TO THE POB. CONT. 0.51 ACRES

ACREAGE CALC  $\rightarrow 1.581 + .388 + .26 + .51 = \underline{\underline{2.739}}$

LOT ON  
NORTH  
SIDE OF  
CANAL  
ZONED  
RESIDENTIAL  
NOT INCLUDED  
IN 2017  
RE-ZONE  
REQUEST



NTDA-91405  
When Recorded Mail To:  
Deer Run Investments, LLC  
7870 South 2700 East  
South Weber, UT 84405

3175854  
BK 7314 PG 878

E 3175854 B 7314 P 878-880  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
7/30/2019 12:30:00 PM  
FEE \$40.00 Pgs: 3  
DEP eCASH REC'D FOR NORTHERN TITLE CO-L

## WARRANTY DEED

**Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member**

Grantor(s) of South Jordan, County of Salt Lake, State of UT hereby **CONVEY AND WARRANT** to

**Deer Run Investments, LLC**

Grantee(s) of South Weber, County of Davis, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Davis County, State of UT:

Parcel 1: 13-140-0010

Lot 2, DEER RUN ESTATES UNIT NO. 5, according to the official plat thereof, records of Davis County, State of Utah.

Less and Excepting Therefrom the Following:

Beginning at the Southeast corner of said Lot 2, at a point 68.08 feet perpendicularly distant Northerly from the center line of Deer Run Drive (7950 South Street) at Engineer Station 0+003.570; and running thence North 12°25'38" West 62.46 feet along the Easterly boundary of said Lot 2; thence South 3°59'37" West 65.68 feet to the Southerly boundary line of said Lot 2; thence Easterly 18.58 feet along the arc of a 318.17 foot radius curve to the right (chord of said curve bears North 75°54'58" East 18.58 feet) to the point of beginning.

Parcel 2: 13-041-0062

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point on the West line of a highway, said point being 125 feet perpendicularly distant Westerly from the center line thereof, at a point 692.50 feet East and 479.28 feet South 4°12' West and 142 feet more or less North 85°48' West from the West Quarter corner of said Section 36; and running thence South 4° West 243.47 feet more or less along the West line of said highway to the North boundary line of Deer Run Estates Unit 5, according to the official plat thereof, records of Davis County, State of Utah; thence North 87°57'40" West 289.07 feet to the Easterly line of the Davis and Weber Counties Canal Company right of way; thence North and Easterly along said Easterly and Southerly line of said canal to a point being 136.27 feet South 83°46' West more or less and 74.64 feet South 67°01' West along said right of way line from the West boundary line of said highway; thence South 4°12' West 133.40 feet; thence South 85°48' East 66.00 feet to the point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.



Parcel 3: 13-041-0068

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point 707.37 feet East and 283.30 feet South 4°12' West and 152.07 feet South 83°46' West and 9.20 feet South 83°46' West to the true point of beginning, and running thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet more or less to the Westerly right of way of a frontage road; thence North 4°00' East 170.08 feet more or less to the true point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 4: 13-041-0115 · RESIDENTIAL ZONE · NORTH OF CANAL

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point which is East 434.00 feet from the West Quarter corner of said Section 36; and running thence East 45.36 feet; thence Southeasterly along the arc of a 626.80 foot radius curve to the right 169.29 feet (chord bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet to the point of beginning.

Less and excepting therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 5: 13-041-0118

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning Northerly boundary line of said tract at a point 200.00 feet perpendicularly distant Westerly from the center line of Highway 89, which point is East 707.37 feet and South 4°12' West 283.30 feet and South 83°46'00" West 127.07 feet from the Northwest corner of the Northwest Quarter of the Southwest corner of said Section 36; and being on the Southerly right of way line of the Weber County Canal Company; and running thence South 4°00'00" West 413.55 feet; thence North 87°57'40" West 7.19 feet; thence South 12°25'38" West 106.71 feet; thence North 4°00' East 520.30 feet; thence South 83°46'00" East 23.37 feet to the point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.



Witness, the hand(s) of said Grantor(s), this July 30, 2019.

Deer Run Plaza, LLC, Leonard J. Fabiano, Jr, Member

Laurie Gale Member

By: Laurie Gale, Member

M. Member

By: Martin Gale, Member

Leonard J. Fabiano Jr MEMBER

By: Leonard J. Fabiano, Jr., Member

State of UT                     )  
County of Salt Lake        )ss:

On July 30, 2019 personally appeared before me Laurie Gale, Martin Gale, and Leonard J. Fabiano, Jr., Members of Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member, the signer(s) of the above instrument, who duly acknowledged to me that they executed the same, with full authority of said LLC.



[Signature]  
Notary Public



NTDA-91405

When recorded mail to:

Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member  
10883 S. Martingale Lane  
South Jordan, UT 84095

3175811  
BK 7314 PG 542

E 3175811 B 7314 P 542-544  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
7/30/2019 11:23:00 AM  
FEE \$40.00 Pgs: 3  
DEP eCASH REC'D FOR NORTHERN TITLE CO.

## QUIT CLAIM DEED

**Laurie J. Gale**

Grantor(s) of South Jordan, County of Salt Lake, State of UT, hereby Quit Claims to:

**Deer Run Plaza, LLC, Leonard J. Fabiano, Jr. Member**

Grantee(s) of South Jordan, County of Salt Lake, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Davis County, State of UT:

Parcel 1: 13-140-0010

Lot 2, DEER RUN ESTATES UNIT NO. 5, according to the official plat thereof, records of Davis County, State of Utah.

Less and Excepting Therefrom the Following:

Beginning at the Southeast corner of said Lot 2, at a point 68.08 feet perpendicularly distant Northerly from the center line of Deer Run Drive (7950 South Street) at Engineer Station 0+003.570; and running thence North  $12^{\circ}25'38''$  West 62.46 feet along the Easterly boundary of said Lot 2; thence South  $3^{\circ}59'37''$  West 65.68 feet to the Southerly boundary line of said Lot 2; thence Easterly 18.58 feet along the arc of a 318.17 foot radius curve to the right (chord of said curve bears North  $75^{\circ}54'58''$  East 18.58 feet) to the point of beginning.

Parcel 2: 13-041-0062

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point on the West line of a highway, said point being 125 feet perpendicularly distant Westerly from the center line thereof, at a point 692.50 feet East and 479.28 feet South  $4^{\circ}12'$  West and 142 feet more or less North  $85^{\circ}48'$  West from the West Quarter corner of said Section 36; and running thence South  $4^{\circ}$  West 243.47 feet more or less along the West line of said highway to the North boundary line of Deer Run Estates Unit 5, according to the official plat thereof, records of Davis County, State of Utah; thence North  $87^{\circ}57'40''$  West 289.07 feet to the Easterly line of the Davis and Weber Counties Canal Company right of way; thence North and Easterly along said Easterly and Southerly line of said canal to a point being 136.27 feet South  $83^{\circ}46'$  West more or less and 74.64 feet South  $67^{\circ}01'$  West along said right of way line from the West boundary line of said highway; thence South  $4^{\circ}12'$  West 133.40 feet; thence South  $85^{\circ}48'$  East 66.00 feet to the point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 3: 13-041-0068

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1



Parcel 3: 13-041-0068

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point 707.37 feet East and 283.30 feet South 4°12' West and 152.07 feet South 83°46' West and 9.20 feet South 83°46' West to the true point of beginning, and running thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet more or less to the Westerly right of way of a frontage road; thence North 4°00' East 170.08 feet more or less to the true point of beginning.

Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 4: 13-041-0115 • LOT NORTH of CANAL. ZONED RESIDENTIAL!!

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at a point which is East 434.00 feet from the West Quarter corner of said Section 36; and running thence East 45.36 feet; thence Southeasterly along the arc of a 626.80 foot radius curve to the right 169.29 feet (chord bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet to the point of beginning.

Less and excepting therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Parcel 5: 13-041-0118

A tract of land situate in the Northwest Quarter of the Southwest Quarter of Section 36, Township 5 North, Range 1 West, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning Northerly boundary line of said tract at a point 200.00 feet perpendicularly distant Westerly from the center line of Highway 89, which point is East 707.37 feet and South 4°12' West 283.30 feet and South 83°46'00" West 127.07 feet from the Northwest corner of the Northwest Quarter of the Southwest corner of said Section 36; and being on the Southerly right of way line of the Weber County Canal Company; and running thence South 4°00'00" West 413.55 feet; thence North 87°57'40" West 7.19 feet; thence South 12°25'38" West 106.71 feet; thence North 4°00' East 520.30 feet; thence South 83°46'00" East 23.37 feet to the point of beginning.

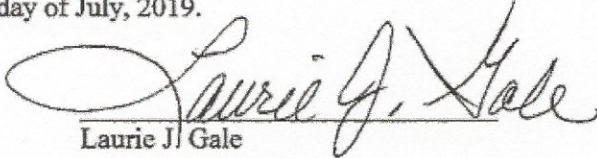
Less and Excepting Therefrom any portion lying within the bounds of the Davis and Weber Canal.

Situate in Davis County, State of Utah.

Subject to easements, restrictions and rights of way of record, and taxes for the current year and thereafter.

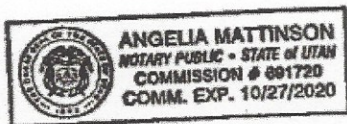


Witness, the hand(s) of said grantor(s), this 30th day of July, 2019.

  
Laurie J. Gale

State of UT                    )  
County of Salt Lake    )ss:

On this 30th day of July, 2019, personally appeared before me Laurie J. Gale, who duly acknowledged to me that she executed the same.



  
Notary Public



FROM DEED of TRUST  
RECORDED  
7/30/2019

3175867  
BK 7314 PG 986

**Exhibit "A"**  
**Property Description**

**PARCEL 1:**

LOT 2, DEER RUN ESTATES UNIT NO. 5, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDS OF DAVIS COUNTY, STATE OF UTAH.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 2, AT A POINT 68.08 FEET PERPENDICULARLY DISTANT NORTHERLY FROM THE CENTER LINE OF DEER RUN DRIVE (7950 SOUTH STREET) AT ENGINEER STATION 0 + 003.570, AND RUNNING THENCE NORTH 12°25'38" WEST 62.46 FEET ALONG THE EASTERLY BOUNDARY OF SAID LOT 2; THENCE SOUTH 3°59'37" WEST 65.68 FEET TO THE SOUTHERLY BOUNDARY LINE OF SAID LOT 2; THENCE EASTERLY 18.58 FEET ALONG THE ARC OF A 318.17 FOOT RADIUS CURVE TO THE RIGHT (CHORD OF SAID CURVE BEARS NORTH 75°54'58" EAST 18.58 FEET) TO THE POINT OF BEGINNING.

ADDRESS: 7870 SOUTH 2700 EAST, SOUTH WEBER, DAVIS 84405  
TAX PARCEL NO. 13-140-0010

**PARCEL 2:**

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A POINT ON THE WEST LINE OF A HIGHWAY, SAID POINT BEING 125 FEET PERPENDICULARLY DISTANT WESTERLY FROM THE CENTER LINE THEREOF, AT A POINT 692.50 FEET EAST AND 479.28 FEET SOUTH 4°12' WEST AND 142 FEET MORE OR LESS NORTH 85°48' WEST FROM THE WEST QUARTER CORNER OF SAID SECTION 36, AND RUNNING THENCE SOUTH 4° WEST 243.47 FEET MORE OR LESS ALONG THE WEST LINE OF SAID HIGHWAY TO THE NORTH BOUNDARY LINE OF DEER RUN ESTATES UNIT 5, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDS OF DAVIS COUNTY, STATE OF UTAH; THENCE NORTH 87°57'40" WEST 289.07 FEET TO THE EASTERLY LINE OF THE DAVIS AND WEBER COUNTIES CANAL COMPANY RIGHT OF WAY; THENCE NORTH AND EASTERLY ALONG SAID EASTERLY AND SOUTHERLY LINE OF SAID CANAL TO A POINT BEING 136.27 FEET SOUTH 83°46' WEST MORE OR LESS AND 74.64 FEET SOUTH 67°01' WEST ALONG SAID RIGHT OF WAY LINE FROM THE WEST BOUNDARY LINE OF SAID HIGHWAY; THENCE SOUTH 4°12' WEST 133.40 FEET; THENCE SOUTH 85°48'



EAST 66.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL, SITUATE IN DAVIS COUNTY, STATE OF UTAH.

TAX PARCEL NO. 13-041-0062

PARCEL 3:

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 707.37 FEET EAST AND 283.30 FEET SOUTH 4°12' WEST AND 152.07 FEET SOUTH 83°46' WEST AND 9.20 FEET SOUTH 83°46' WEST TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE SOUTH 67°01' WEST 74.64 FEET; THENCE SOUTH 4°12' WEST 133.4 FEET; THENCE SOUTH 85°48' EAST 76.00 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY OF A FRONTAGE ROAD; THENCE NORTH 4°00' EAST 170.08 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL, SITUATE IN DAVIS COUNTY, STATE OF UTAH.

TAX PARCEL NO. 13-041-0068

PARCEL 4: RESIDENTIAL ZONE - LOT to NORTH of CANAL

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS EAST 434.00 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 36, AND RUNNING THENCE EAST 45.36 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF A 626.80 FOOT RADIUS CURVE TO THE RIGHT 169.29 FEET (CHORD BEARS SOUTH 21°03'13" EAST 168.80 FEET); THENCE SOUTH 83°21'47" WEST 47.65 FEET; THENCE SOUTH 66°36'47" WEST 63.92 FEET; THENCE NORTH 71.41 FEET; THENCE EAST 6.00 FEET; THENCE NORTH 52.00 FEET; THENCE WEST 6.00 FEET; THENCE NORTH 65.00 FEET TO THE POINT OF BEGINNING.

✓ LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL, SITUATE IN DAVIS COUNTY, STATE OF UTAH.



TAX PARCEL NO. 13-041-0115 • RESIDENTIAL ZONE • NORTH OF CANAL

PARCEL 5:

A TRACT OF LAND SITUATE IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING NORTHERLY BOUNDARY LINE OF SAID TRACT AT A POINT 200.00 FEET PERPENDICULARLY DISTANT WESTERLY FROM THE CENTER LINE OF HIGHWAY 89, WHICH POINT IS EAST 707.37 FEET AND SOUTH 4°12' WEST 283.30 FEET AND SOUTH 83°46'00" WEST 127.07 FEET FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST CORNER OF SAID SECTION 36 AND BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF THE WEBER COUNTY CANAL COMPANY, AND RUNNING THENCE SOUTH 4°00'00" WEST 413.55 FEET; THENCE NORTH 87°57'40" WEST 7.19 FEET; THENCE SOUTH 12°25'38" WEST 106.71 FEET; THENCE NORTH 4°00' EAST 520.30 FEET; THENCE SOUTH 83°46'00" EAST 23.37 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF THE DAVIS AND WEBER CANAL. SITUATE IN DAVIS COUNTY, STATE OF UTAH.

TAX PARCEL NO. 13-041-0118

**From:** Julie  
**To:** Barry Burton; Robert Osborne; Tim Grubb; Taylor Walton; Wes Johnson; Gary Boatright Jr.  
**Cc:** Public Comment  
**Subject:** FWD: Parcel - Acreage discrepancy for Lofts Discussion Consideration - addendum to the Public Comments for Julie Losee  
**Date:** Wednesday, August 26, 2020 3:54:27 PM  
**Attachments:** BradLewis\_UStitle\_TitleOfficer\_Lot drawing and acreage based on Legal Description.pdf  
BradLewis\_UStitle\_SurveyParcelDescriptionCorrections.pdf  
TheLofts\_DeveloperSurveyDec2019\_ZoomedInUpperSections\_ExistingParcelDescriptionsIncreasedInSize\_DeveloperSurveyNotForRecordingAug2019.pdf

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Planning Commission Members and City Planner,

Please see the Additional supporting documentation to my public comments statements made regarding the errors on the Developers Survey by Brad Lewis and Michelle Stone with U.S. Title

Brad has the ability to take the legal description and to plot it out to determine acreage and those draws for the 2 parcels in question are provided below.

Brad also agrees that the parcel descriptions in the developers survey descriptions are being attributed to the wrong parcels. His email response is provided below.

Also, My original email is provided below so you can see the details provided in my original query to the title office.

Please let me know if you have any questions.

Thank you again for all that you do!

Please make sure these comments and documentation are added into the public record. Thank you!

Julie Losee  
2541 E. 8200 S.  
C - 801.699.3474

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**From:** Brad Lewis <[BradL@ustitleutah.com](mailto:BradL@ustitleutah.com)>  
**Sent:** Wednesday, August 26, 2020 12:27 PM  
**To:** Michelle Stone <[mstone@ustitleutah.com](mailto:mstone@ustitleutah.com)>  
**Subject:** RE: Parcel - Acreage discrepancy request

Michelle, that description they have marked as 0118 is actually the description for 0115. I also noticed the north arrow is wrong on the other page. Here's a copy of what she sent with those 2 corrections made. I don't see a description for 0118 anywhere on there.

On Aug 25, 2020, at 3:30 PM, Julie Losee - Mansell <[julie@mansellrealestate.com](mailto:julie@mansellrealestate.com)> wrote:

Michelle,

The 2 parcels in questions are in Davis County and they are 13-041-0118 and 13-041-0115

I think parcel 13-041-0118 is 0.26 acres based on the legal description as follows:

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE  
DESC AS FOLLOWS: BEG AT THE N'LY BNDRY LINE OF SD TRACT AT A PT 200.00 FT PERP'LY DIST W'LY FR THE CENTERLINE  
OF SD PROJECT, WH PT IS E 707.37 FT & S 4^12' W 283.30 FT & S 83^46'00" W 127.07 FT FR THE NW COR OF THE SW 1/4 OF  
SD SEC 36 SD PT BEING THE S'LY R/W LINE OF THE WEBER COUNTY CANAL COMPANY; & RUN TH S 4^00'00" W 413.55 FT;



TH N 87°57'40" W 7.19 FT; TH S 12°25'38" E 106.71 FT; TH N 4°00' E 520.30 FT; TH S 83°46'00" W 23.37 FT TO THE POB.  
CONT 0.26 ACRES

and Parcel 13-041-0115 is .31 acres based on the legal descriptions as follows:

A TRACT OF LAND IN FEE SIT IN THE NW 1/4 SW 1/4 OF SEC 36-T5N-R1W, SLM, THE BNDRY OF SD TRACT OF LAND ARE  
DESC AS FOLLOWS: BEG AT THE NW COR OF SD TRACT, WH PT IS E 434.00 FT FR THE W 1/4 COR OF SD SEC 36; & RUN TH E  
45.36 FT; TH SE'LY 169.29 FT ALG THE ARC OF A 626.80 FT RAD CURVE TO THE RIGHT (NOTE: CHORD BEARS S 21°03'13" E  
168.80 FT); TH S 83°21'47" W 47.65 FT; TH S 66°36'47" W 63.92 FT; TH N 71.41 FT; TH E 6.00 FT; TH N 52.00 FT; TH W 6.00 FT;  
TH N 65.00 FT TO THE POB. CONT 0.31 ACRES

What's being called into question is a surveyors reference to the existing parcel description and a transposition in acreage between those 2 lots.

I am attaching the Developers Survey Map stamped as of 12/2019 and a blown up section of the existing Parcel Descriptions along with the Survey not stamped from 8/2019 marked Not For Recording for informational purposes.

<TheLofts\_DeveloperSurveyDec2019\_ZoomedInUpperSections\_ExistingParcelDecscriptionsIncrease  
dInSize\_DeveloperSurveyNotForRecrodingAug2019.pdf>

My intent in all this is to understand with the following 4 parcels - how much total acreage the developer has.

13-041-0062 - 1.581 acres

13-041-0068 - .388 acres

13-140-0010 - .51 acres

13-041-0118 - .26 acres

I appreciate your help on figuring this out!

Let me know if there is any additional details you need from me!

**Julie Losee**

REALTOR

Mansell Real Estate

C: 801-699-3474

E: [julie@mansellrealestate.com](mailto:julie@mansellrealestate.com)

**I appreciate your business and referrals!**

13-140-0010

### EXISTING PARCEL DESCRIPTIONS

All Of Lot 2, Deer Run Estates Unit No 5. Except Thereof The Following: A Parcel Of Land In Fee For The Widening Of Exist State Hwy 89 Known As Project No 0089, Being Part Of An Entire Tract Of Property Situated In Lot 2, Deer Run Estates Unit No 5, A Sub In The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; The Boundary Of said Parcel Of Land Are Described As Follows: Beg At The Southeast Corner Of said Lot 2, At A Pt 20.751 M (68.08 feet) Perpendicularly Distant Northerly from The Center Line Of Deer Run Drive (7950 South Street) Of said Project, At Engineer Station 0+003.570; & Run thence North 12°25'38" West 19.039 M (62.46 feet) Along The Easterly Boundary Line Of said Lot 2; thence South 3°59'37" West 20.019 M (65.68 feet) To The Southerly Boundary Line Of said Lot 2; thence Easterly 5.662 M (18.58 feet) Along The Arc Of A 96.978 M (318.17 feet) Radius Curve To The Right (Note: Chord To said Curve Bears North 75°54'58" East For A Dist Of 5.662 M (18.58 feet)) To The Pcb.

Cont 0.51 Acres

13-041-0002

Beginning on The West Line of a Highway, 125 Feet Perpendicularly Distant Westerly from The Center Line Thereof, At A Point 692.5 feet East & South 4°12' West 479.28 Feet & North 85°48' West 142 feet, M/L, from The Northwest Corner Of The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; Run thence South 4°00' West 243.47 feet, M/L, Along West Line said Hwy To Deer Run Estates Unit No 5; thence N 87°57'40" West 289.07 feet To The Easterly Line Of The Davis & Weber Co Canal Company R/W; thence Northerly Along The Easterly & Southerly Line Of said Canal R/W To A Pt South 83°46' West 136.27 feet, M/L, & South 67°01' West 74.64 feet Along said R/W from The West Line Of said Hwy; thence South 4°12' West 133.40 feet; thence South 85°48' East 66.0 feet To The Pcb.

Cont. 1.581 Acres

13-041-0068

Beg At A Pt 707.37 feet East & South 4°12' West 283.3 feet & South 83°46' West 152.07 feet from Northwest Corner Of Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; thence South 83°46' West Along Canal R/W 9.20 feet; thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet, M/L, To Westerly R/W Line of Frontage Rd; thence North 4°00' East 170.08 feet, M/L, To Pcb.

Cont. 0.388 Acres

~~13-041-0118~~

13-041-0115

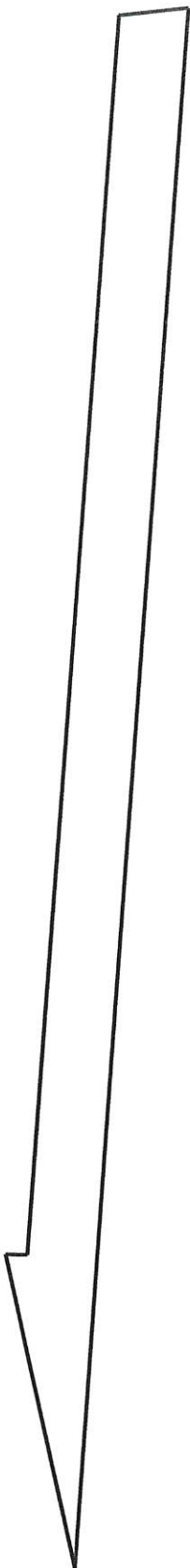
A Tract Of Land In Fee Sit In The Northwest 1/4 Of Sec 36-T5n-R1w, SLB&M, The Boundary Of said Tract Of Land Are Described As Follows: Beg At The Northwest Corner Of said Tract, Which Point Is East 434.00 feet from The West 1/4 Corner Of said Sec 36; & Run thence East 45.36 feet; thence Southeasterly 169.29 feet Along The Arc Of A 626.80 feet Radius Curve To The Right (Note: Chord Bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet To The Pcb.

Cont 0.31 Acres

CONT. 0.26 ACRES NOT .31 ACRES.

PARCEL # 13-041-0115 • LOT ON NORTH SIDE OF CANAL CONTAINS MEASURES @  
• 31 ZONED RESIDENTIAL. NOT FOR CONSIDERATION  
ACRES





13-041-0118

8/25/2020

Scale: 1 inch= 60 feet

File:

Tract 1: 0.2550 Acres (11108 Sq. Feet), Closure: n77.4235e 0.01 ft. (1/152562), Perimeter=1071 ft.

01 s04.0000w 413.55

02 n87.5740w 7.19

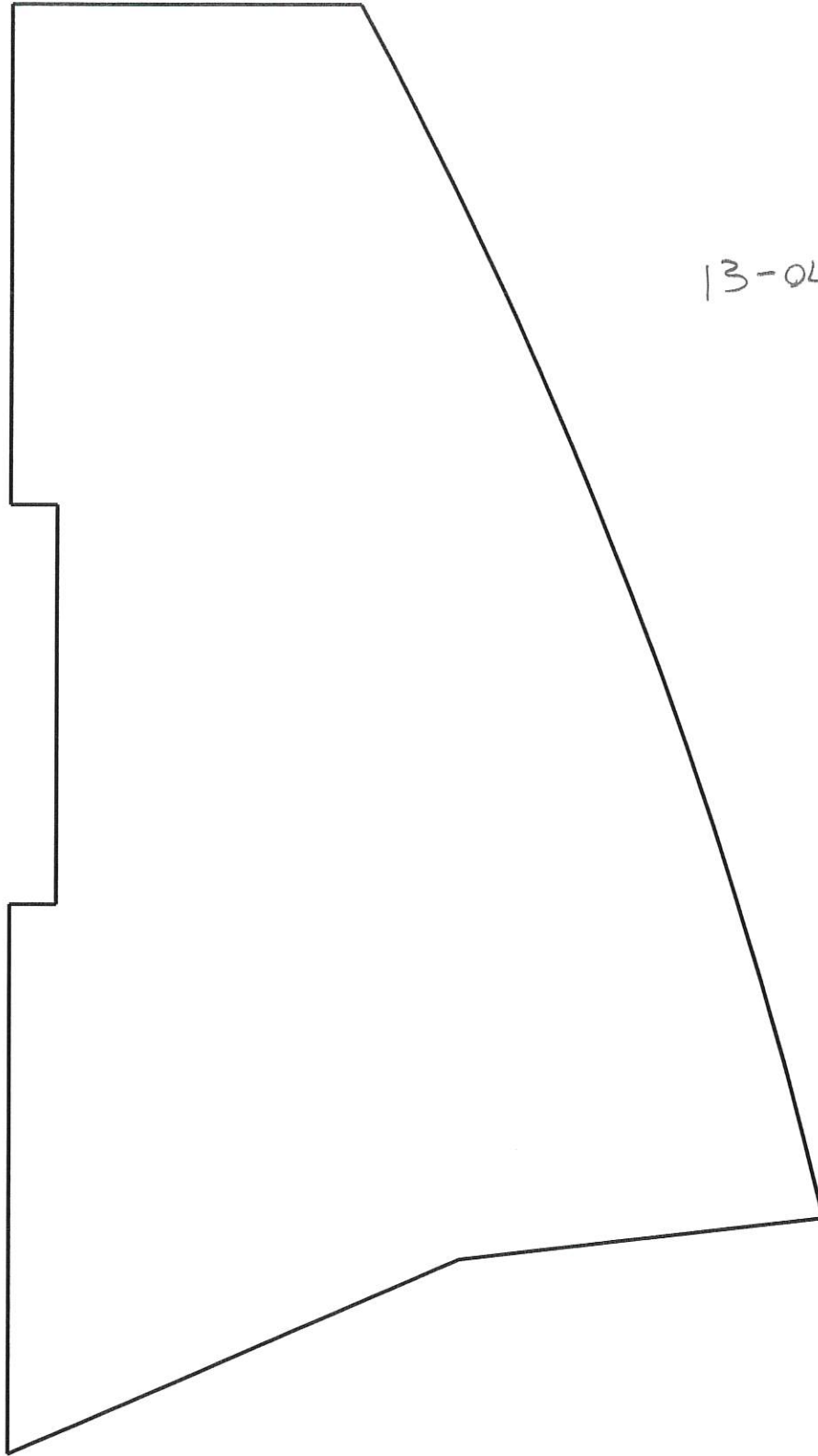
03 s12.2538e 106.71

04 n04.0000e 520.30

05 s83.4600w 23.37



13-041-0115



8/25/2020

Scale: 1 inch= 23 feet

File:

Tract 1: 0.3088 Acres (13449 Sq. Feet), Closure: s20.4819e 0.02 ft. (1/23259), Perimeter=527 ft.

01 n90e 45.36

08 n90w 6.00

02 Rt, r=626.80, arc=169.29, chord=s21.0313e 168.78

09 n00e 65.00

03 s83.2147w 47.65

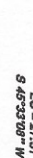
04 s66.3647w 63.92

05 n00e 71.41

06 n90e 6.00

07 n00e 52.00



[illegible]AS-SURVEYED PARCEL DESCRIPTIONS  
Unit No. 5, and a part of the Southwest Quarter of Sec.

A Line bearing South 89°58'06" East between these two monuments was used as the basis of bearings.

### SURVEYOR'S CERTIFICATE

survey of the above described property according to Section 17-23-17 and that the above plat correctly shows the true dimensions of the property surveyed.





13-140-0010

## EXISTING PARCEL DESCRIPTIONS

All Of Lot 2, Deer Run Estates Unit No 5. Except Thereof The Following: A Parcel Of Land In Fee For The Widening Of Exist State Hwy 89 Known As Project No 0089, Being Part Of An Entire Tract Of Property Situated In Lot 2, Deer Run Estates Unit No 5, A Sub In The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; The Boundary Of said Parcel Of Land Are Described As Follows: Beg At The Southeast Corner Of said Lot 2, At A Pt 20.751 M (68.08 feet) Perpendicularly Distant Northerly from The Center Line Of Deer Run Drive (7950 South Street) Of said Project, At Engineer Station 0+003.570; & Run thence North 12°25'38" West 19.039 M (62.46 feet) Along The Easterly Boundary Line Of said Lot 2; thence South 3°59'37" West 20.019 M (65.68 feet) To The Southerly Boundary Line Of said Lot 2; thence Easterly 5.662 M (18.58 feet) Along The Arc Of A 96.978 M (318.17 feet) Radius Curve To The Right (Note: Chord To said Curve Bears North 75°54'58" East For A Dist Of 5.662 M (18.58 feet)) To The Pob.

13-041-0062

Cont 0.51 Acre

Beginning on The West Line of a Highway, 125 Feet Perpendicularly Distant Westerly from The Center Line Thereof, At A Point 692.5 feet East & South 4°12' West 479.28 Feet & North 85°48'W 142 feet, M/L, from The Northwest Corner Of The Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; Run thence South 4°00' West 243.47 feet, M/L, Along West Line said Hwy To Deer Run Estates Unit No 5; thence N 87°57'40" West 289.07 feet To The Easterly Line Of The Davis & Weber Co Canal Company R/W; thence Northerly Along The Easterly & Southerly Line Of said Canal R/W To A Pt South 83°46' West 136.27 feet, M/L, & South 67°01' West 74.64 feet Along said R/W from The West Line Of said Hwy; thence South 4°12' West 133.40 feet; thence South 85°48' East 66.0 feet To The Pob.

13-041-0068

Cont. 1.581 Acre

Beg At A Pt 707.37 feet East & South 4°12' West 283.3 feet & South 83°46' West 152.07 feet from Northwest Corner Of Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M; thence South 83°46' West Along Canal R/W 9.20 feet; thence South 67°01' West 74.64 feet; thence South 4°12' West 133.4 feet; thence South 85°48' East 76.00 feet, M/L, To Westerly R/W Line of Frontage Rd; thence North 4°00' East 170.08 feet, M/L, To Pob.

13-041-0118

Cont. 0.388 Acres

A Tract Of Land In Fee Sit In The Northwest 1/4 Southwest 1/4 Of Sec 36-T5n-R1w, SLB&M, The Boundary Of said Tract Of Land Are Described As Follows: Beg At The Northwest Corner Of said Tract, Which Point Is East 434.00 feet from The West 1/4 Corner Of said Sec 36; & Run thence East 45.36 feet; thence Southeasterly 169.29 feet Along The Arc Of A 626.80 feet Radius Curve To The Right (Note: Chord Bears South 21°03'13" East 168.80 feet); thence South 83°21'47" West 47.65 feet; thence South 66°36'47" West 63.92 feet; thence North 71.41 feet; thence East 6.00 feet; thence North 52.00 feet; thence West 6.00 feet; thence North 65.00 feet To The Pob.

Cont 0.31 Acres

Cont. 0.20 ACRES NOT .31 ACRES.

PARCELS 13-041-0115

• lot on Wagon side of canal contains / measures  
• 31 2020 RESIDENCE NOT FOR consideration  
AKS






**From:** [Mindi Smith](#)  
**To:** [Public Comment](#); [Barry Burton](#); [Robert Osborne](#); [Tim Grubb](#); [Taylor Walton](#); [Wes Johnson](#); [Gary Boatright Jr.](#)  
**Subject:** The Lofts  
**Date:** Wednesday, August 26, 2020 5:29:39 PM

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I am begging you to consider reducing the units of the lofts or eliminating all together the commercial aspect of the Lofts or eliminating the LOFTS all together. Definitely do not accept this version! It's absolutely hideous, there's not enough parking Number One problem or green space, there needs to be less retention, a plan for the safety of the canal water, you need to address how the daycare is going to handle safety issues of possible pedophiles living there.

The commercial will likely go dark or never attract anyone anyway and so there will be no benefit to the city for tax revenue and it will multiply the problems with parking and traffic.

You can put the daycare on the property across from the city offices. It's commercial right now since the GP still isn't approved.

This development was the very development that brought actual fear into my life and not for the reasons that you may think. It's not because I'm against affordable housing or city type living it has to do with HOW this went down and it also doesn't make sense.

I went back and listened to the minutes in both the work meeting and the planning meeting for the rezone of this property and I was appalled to hear how people were manipulated and tricked into granting the rezone for the lofts. I think I've always been taught that when every level of government can be bought then that's when you know as a society you are doomed.

Gary and Taylor you should go back and listen to this to understand how this happened.

Rob repeatedly said he was scared of the possibility of this daycare turning into this so he said he would be putting a CUP in place to ensure it didn't but the CUP never happened. Just like it never happened for the soccer fields, lots of promises made on public record in front of concerned citizens that never made it into writing.

1) who's responsible for doing the CUP's? Who's double checking to make sure it's done?

I have made it no secret that I believe that plans are being drawn up, and someone in our city is helping sell off the property for Commercial property owners.

2) I'm asking each of you separately if it's legal for PC to help market and sell citizen's property and would love to hear from you if it is?

3) Is it legal to do this before rezones are granted and then promising the new buyers the rezones? Or Making promises outside of our code (in this instance more than 25 units per acre).

I still believe even if this is standard practice that this has turned into a very greedy practice here. It's crossed the lines and has come with extremely high costs to the residents near these properties. I think most small town PCs still try and make the developments fit into their surroundings they also are usually worried about upsetting their friends and neighbors.

I'm going to just say it as plainly as I'm thinking it, I'm sorry to those that this offends and I do realize and believe we have honest members of our PC on this email and I'm grateful for you we need you more than ever right now to make our city a better place but my fear is that at least with the Soccer Fields and the Lofts that one or two people within our PC are making money off of these deals. If there's a different truth that explains the manipulating and sneaking it by the other members of PC and CC then I think the city deserves to know that truth because to me Neither development makes sense without this belief.

4) is it legal to make money off of deals you help get through as a PC member?

If it's numbers you are driving up in order to get other developments to sell then I believe it's time to be honest about that too.

Sorry that I can't be more optimistic or nice about this and just request that the lofts were just more aesthetically pleasing. I just don't think it was nice to any of the current citizens or future residents of the lofts that these were ever approved, it wasn't nice to our elected leaders either that weren't informed by the person they employ to inform them. I hope they come to their senses and will employ only people that have their best interests at heart, until then many of us don't feel that our city is safe from the very same corruption we see at the state and national level and that is sad. The Lofts don't deserve to be here in this city at all and I don't believe that the people that pushed for them should have any power to do this to us again.

Mindi Smith  
2440 E 8300 S



**From:** [Natalie Browning](#)  
**To:** [Public Comment](#)  
**Subject:** Lofts Development  
**Date:** Thursday, August 27, 2020 4:28:05 PM

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I as well as many others have multiple concerns about this proposed development. As you are watching the meeting tonight in the comfort of your homes, I do not feel we as concerned citizens can be heard. I am hoping that no decision will be made on this development until the PC is able to meet together with the public whom they serve. We as the citizens have expectations about the quality of life where we reside. Our local government should be the very most responsive to meet the needs of our residents.

I read through Sunset City's PC Jan 15, 2015 where developer Joseph Cook presented his plans for his Sunset development. At this meeting it was proposed that this development would have 2.5 parking stalls per unit. Of course, at this meeting the citizens of Sunset also voiced their concerns about parking concerns, increased traffic and increased crime that HDH brings. Now, five years later I google this development and it has a 2.3 out of 5 star rating with pictures of random peoples cars in residents assigned stalls with complaints that they couldn't reach anyone from the HOA or the owner. As we're discussing this development this rating should be a red flag.

One of my primary concerns is the height of the proposed Loft's development. Is 3.5 stories really going to fit in our nice suburbia neighborhoods? So many of our citizens built in this area to enjoy the view of our mountains. How many wonderful views will now be absolutely ruined by this tall building. Along with this concern is the light pollution that will come from it. This light pollution will make it impossible for people who live near here to ever see the stars from their homes and yards again. It will definitely be a fine balance of safety for our citizens as HDH is known to increase violent crime, ight pollution is also a concern. Light pollution has adverse health effects including sleep disorders (insomnia), depression, cancer, and cardiovascular disease. It also disrupts the ecosystem by radically altering nocturnal activity interfering with reproduction and reducing the populations of animals and disrupts the migratory schedules of birds. I'm also hoping you take this into consideration with the car wash signs.

As I have read back through meetings a daycare seems to be a hot topic for this development. But I ask, is a daycare appropriate for this kind of setting? As this development is now going to be people's homes and places of business, who will be doing the screening to protect our vulnerable population? Utah does have in place a law that restricts where sex offenders can live, this law includes licensed daycares and preschools.

My children attended a great daycare for many years as I work for Intermountain Health Care. This was expensive for us, and I was informed that it also has to be subsidized to keep it running. How much will the owners of the daycare be charged for rent in a building that Mr. Cook is trying to sale for \$200.00 per sq foot. How can a nice daycare even possibly stay in business paying high rent, as well as pay reputable employees, food for meals and snacks, as well as all of the other equipment and services and insurance a daycare brings. If there are 100 children attending this daycare of a daily basis at a rate of \$6.00 per hour there is no possible way (even if this rent is reduced to a fraction of his asking point) that a daycare could survive financially. Does this area meet the state requirements for an outdoor play area? The state code is at least 40 sq feet of space for each child using the playground at the same time, and must accomodate at least 33% of the licensed capacity at one time.

Will this center have easy access and short term parking for people to drop off and pick up their children? Seperate lanes for ingress and egress of traffic? Is there necessary access for service and emergency vehicles as well as for the disabled? Is there enough parking for each staff member to have a daily parking stall and one stall per every four children that attends?

My next concern is the mixed use and business section of this proposal. I have heard our PC members and Planner refer to this commercial development as a "dangling carrot" to get people to move here. As I was sitting in the drive through at In and Out in Riverdale, I couldn't help but notice the empty parking lot I was sitting in. Riverdale is one of the biggest business cities in the state of Utah, and businesses are

shutting down rapidly. A longer term retail outlook, this one from investment firm UBS, states that an estimated 75,000 brick and mortar store are likely to shut down by 2026. If businesses are shutting down in record speed, what sort of business would stay up and going in the bottom of a small apartment complex with little to no parking, and, residents above them? Retail and Restaurant commercial tenants earn limited profits, and prior to this decline they struggled to survive with no viable strategy to draw in customers in this sort of an arrangement.

My last concern is about the living arrangements themselves. Apartments as well as other high-density type housing are known to require more police services, they have higher volumes and crime rate and therefore they will cost the city more in this regard. I know our city has down played this, but it was my good friends son who found the gun and meth buried under the snow a couple of winters ago at the Cambridge Crossing apartments. Now is the time to seriously consider restructuring this development. Because of the Covid-19 pandemic many people are now doing telework. As a result, many businesses are making this a permanent shift. A current statistic shows that 1/3 of all workers state they can now work from home. Most of these are higher paid professionals. Because of this current trend, people's homes are also their places of business. Because of this, many are needing more space to be able to accommodate work and home. Do we get any benefit from a 700 sq foot apartment? I would recommend that we take this time to reevaluate and upgrade. Let's attract people who want to live in a nice place and are eager to contribute to our community. Let's not end up with the same problems as the citizens in Sunset. The residents of South Weber are counting on you to represent them. We are asking for the Loft's to be a prestigious location with distinctive architecture. Let's do away with the commercial that will end up being a blight in our community, and let's downsize to 2.5 levels and ask for much bigger units making this a win for everyone.

Natalie Browning






## Comments on the Planning Commission packet for the 27Aug20 Meeting by Paul A. Sturm - 2527 Deer Run Drive

It is completely unreasonable for South Weber Citizens to have only six days to review a **486** page, **148 MB** document and then be able to provide meaningful comments for a **PUBLIC HEARING!** As a result of this very short timeframe to review the packet, any **Action** or decision on this Preliminary Site Plan& Improvements for the Lofts at Deer Run **should be postponed so that the Planning Commission has the ability to review and consider both the Public's inputs and comments as well re-familiarize themselves with past information.**










I also have a total of 25 documents for the Planning Commission to review on the Lofts project regarding both past information previously provided and new/current information with no way to get all of this information to you for this meeting.

These documents are being provided as a reminder of what has occurred and what has been promised by both the Planning Commission and City Council this past year.












### #Zone C-O w-Subfiles Information -Downloaded 9Jul & 21Aug19 - 5 Files

 5.03 South Weber 10-5G-1 - Zone C-O.pdf	7/9/2019 4:52 PM
 5.03 Zone C-O Indent 1 Chap 07 Requirements.docx	8/21/2019 11:30 PM
 5.03 Zone C-O Indent 1 Chap12 Requirements.docx	8/21/2019 9:30 PM
 5.03 Zone C-O Indent 2 Chap 12 - Chapter 8 Subrequirements.docx	8/21/2019 9:48 PM
 5.03 Zone C-O Indent 2 Chap 12 - Chapter 9 Subrequirements.docx	8/21/2019 10:03 PM

### PaS-City Council Presentation Packet 23Jul19 -9 Files

 0-Presentation to the South Weber City Council and Mayor - Summary.docx	7/23/2019 5:17 PM
 CC-23Jul19 Exhibit #1 10Aug17 PC Minutes.docx	7/23/2019 9:05 AM
 CC-23Jul19 Exhibit #2 22Aug17 CC Minutes.docx	7/23/2019 9:02 AM
 CC-23Jul19 Exhibit #3 13Jun19 PC Minutes.docx	7/23/2019 8:53 AM
 CC-23Jul19 Exhibit #4 Development Agreement 27Jun19 & Noted Changes-2.docx	7/23/2019 8:51 AM
 CC-23Jul19 Exhibit #5 South Weber 10-5G-1 - Zone C-O.pdf	7/23/2019 8:46 AM
 CC-23Jul19 Exhibit #6 Extracts & Comments on13Jun19 Draft Development Agmnt-3.docx	7/23/2019 10:56 AM
 CC-23Jul19 Exhibit #7 Henry and CMT comments 9Jul19.docx	7/23/2019 8:20 AM
 CC-23Jul19 Exhibit #8 UDOT Impacts.docx	7/23/2019 8:25 AM

### Miscellaneous Files - TBD

 L-1 Initial Rezone Request from Laurie Gale to Barry Burton-To PC-2.docx	8/27/2019 12:01 PM
 L-2 Request for Investigation Into Actual Acreage of The Lofts Development on 12Aug19.docx	8/12/2019 11:58 AM
 L-3.0 Questions for 20Aug19 CC Meeting-F.docx	8/20/2019 2:14 PM
 L-3.1 Utah Code 76-8-501 Making False Statements.pdf	8/22/2020 9:00 AM
 L-4 Exhibit #1 Sunset City Council 15May18 Minutes w-Ref.docx	8/5/2019 1:21 PM
 L-5 Planning Commission 08Aug19-Minutes with Sunset Notes .pdf	9/18/2019 9:26 AM
 L-6 Development Agreement 27Jun19 & Noted Changes.docx	7/18/2019 3:13 PM
 x Dave Larson Ltr & FAQs on the Lofts 31Jul19.docx	8/12/2019 7:01 PM
 zJoseph Cook Companies.docx	8/23/2020 3:42 PM
 zJoseph Cook -Utah Dept of Commerce 2014 Incorporation Info.pdf	9/20/2019 5:02 PM
 zzLofts Planning Commission Comments 27Aug20-2 with Updates.docx	8/24/2020 9:54 AM

## Discussion Item #1

Barry Burton's Letter - LOFTS AT DEER RUN PRELIMINARY REVIEW 18Aug20

### NOTED DISCREPANCIES AND COMMENTS

#### **PL6 - Page 1**

Does South Weber City have any recourse if the development, when fully occupied, has insufficient parking for all owners and clients? (Now only 164 total stalls) That is computed from the following: one stall is reserved for each condo, plus one unassigned parking stall for each condo and then **only two** extra parking stalls (totals 146 stalls) That only leaves 18 parking stalls for business clients. There is no consideration being given to any other visitors to the development tenants! (See Page 474 of packet)

#### **PL8 - Page 1**

1) Reference to Building 1 is incorrect. - On the architectural drawing it is now listed as Building A (Building 1 was broken into Buildings A & B)

**(Note:** This is a common mistake that has been made throughout the entire package and various drawings presented in the packet due to changing nomenclature.)

2) Building B Page 4 of 4, Packet Page 424 (i.e., Building 2) also shows 4 floors (including a numbered basement) contrary to the Mr. Burton's PL8 statement of three floors. Also please note that there are two rooms shown as **B103** on Packet Page 424.

#### **PL14 - Page 6**

States that this is the 4th iteration of the Preliminary Plan. Why was a Public Hearing **Not held** on iterations #2 and #3. Why were the citizens of South Weber not informed about these two iterations so that Public Comments could have been made? I have also been told that some members of the Planning Commission **were not aware of iterations #2 and #3!** **(Note:** Was informed immediately after my presentation to the City Council on 25Aug20 that an iteration is just a change to a document, such as a Fire Department assessment, not a major change to the Preliminary Plan.)

#### **Zone C-O**

There appears to be a major problem with Mr. Burton's presentation and responses to provide a complete compliance assessment of Zone C-O. He did not address every element of Zone C-O Code, including all of Chapters 7 & 12 and the two Chapter 12 sub-requirements. ( And found out after the 25Aug20 CC meeting other chapters as well.) Citizens were promised by several SWC Planning Commission members, City Council members, as well as the City Manager that **ALL** C-O requirements would be addressed. It appears that a complete point by point assessment of Zone C-O requirements was not accomplished as promised.

Mr. Burton **only** addressed the basic elements contained in the C-O Code document. He did not address all of those contained in the following Zone C-O Code requirements! Some of these are:

- Zone C-O Chapter 07 Requirements
- Zone C-O Chapter 12 Requirements
- Zone C-O Chapter 12 - Chapter 8 Sub-requirements
- Zone C-O Chapter 12 - Chapter 9 Sub-requirements

Please note that David Larson, SWC City Manager, in his 25Jul19 letter "To All Concerned About the Proposed Lofts at Deer Run Development" stated "Staff, Planning Commission, and City Council will all make sure that every City code is followed and that this development becomes the best it can considering our situation." Additional questions were answered in the FAQs on 31Jul19.

**Notes:** The set of Zoning Code C-O documentation shown above was provided to the Planning Commission Chair on 22Aug19, a Member of the City Council on 5Sep19, and to the City Manager on 18Sep19. This information has been readily available within the City for nearly a year!

Another reminder was that, during the discussion on the rescission of the C-O code, the City Council promised, in open meeting, that whenever C-O was presented, the Developer would be held to all C-O requirements and no variances granted.



## Discussion Item #2

Brandon Jones Memo of 20Aug20 (Packet Page 9 of 486)

Section D - Traffic - Comments (Brandon's Page 3 of 6)

Bullet #1 - Just because the March 2019 Horrocks study classified the Frontage Road, South of 7800 S, as an LOS B up to 2025, including (non-existent) future development does not make sense. As has been expressed many times by citizens, and was shown during the Park N Protest event, the Frontage Road is not capable, from a safety perspective, to handle the increased traffic. This is especially true with the sharp turns that will be required to enter the proposed development at its entrance/exit and the resulting deceleration. Additionally, the proposed northernmost entrance/exit is on a curve adjacent to the canal that is subject to refrigeration effect icing on the bridge. Without a deceleration lane, there will be accidents on 2700 E. that could have been prevented and potential liability could be assigned for approving such a design! (**Note:** During a post CC meeting discussion with Brandon Jones on 25Aug20 it was disclosed that the 2700 E. classification (LOS B) is based on the SWC prior General Plan.)

Bullet #2 - The last sentence did not make much sense. "A need for widening will likely be the result of an aggregate of all development along 2700 E. to the existing traffic." Comment: There is no open land along 2700 E. for development, thus the Lofts development should be assessed an impact fee due to the acknowledged traffic increase! It also should be noted that 2700 E. already is a major artery that feeds a significant portion of the eastern end of South Weber City, west of US89, and should be treated as such. Just look at any City map!

Also, how can 2700 E. between 7800 S. and Deer Run Drive ever be widened with the Lofts property directly adjacent. This appears to show a real lack of planning by the City regarding future growth. (**Also**, just to let the City know, UDOT surplused the property needed for widening of 2700 E. It was acquired by Laurie Gale to become a portion of what is now the Lofts property. When acquired, the Davis County Recorder combined the two former UDOT parcels into one and gave the oddly-shaped parcel the number 13-041-0118.)

Another issue is the Weber Basin Water Conservancy District's Davis Aqueduct Parallel Pipeline Project and its impacts on the Lofts property. Information on this project was provided to the City's Manager and Engineer on 23Jul20 showing a significant/potential impact to the Lofts property during construction and installation of these pipelines.

Regarding "Will Serve" Letters and utilities section, there is still the issue of whether SWC can provide adequate sewer services. In reviewing past discussions, the formal answer was that it did not have sufficient capacity, but informally statements were made that the sewer capacity probably was adequate. Does SWC now have a formal position on the sewer capacity prior to approving this development?

## Discussion Item #3

**Note:** Please reference **Pages 403 thru 405** of the Packet- **ASTM 1527 -13 USER QUESTIONNAIRE** for the following discussions. This information has also been provided to the Planning Commission.

In his responses to this questionnaire, Mr. Enrique (Henry) De Varona appears to have possibly made several misstatements in this official document that he signed on 23Mar20 as "Owner Representative" and provided to CMT regarding his knowledge of the Lofts site. The comments are somewhat repetitive because they all are a result of a documented conversation on 9Jul19 between 0839 and 0947 at the Lofts site.

***Please Note: Any false statement made in accordance with the following may be subject to prosecution as follows!:***

[https://le.utah.gov/xcode/Title76/Chapter8/76-8-P5.html?v=C76-8-P5\\_1800010118000101](https://le.utah.gov/xcode/Title76/Chapter8/76-8-P5.html?v=C76-8-P5_1800010118000101)

<b>Index</b>	<b>Utah Code</b>
<b>Title 76</b>	<b>Utah Criminal Code</b>
<b>Chapter 8</b>	<b>Offenses Against the Administration of Government</b>
<b>Part 5</b>	<b>Falsification in Official Matters</b>

Amended by Chapter 298, 2018 General Session

### **76-8-502 False or inconsistent material statements.**

A person is guilty of a felony of the second degree if in any official proceeding:

- (1) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or
- (2) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true.

Amended by Chapter 324, 1997 General Session

### **76-8-503 False or inconsistent statements.**

- (1) Except as provided in Subsection (2), a person is guilty of a class B misdemeanor if:
  - (a) the person makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and the person does not believe the statement to be true if:
    - (i) the falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing the public servant's official functions; or
    - (ii) the statement is one that is authorized by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or
  - (b) the person makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the person to be true.
- (2) Subsection (1) does not include obstructing a legislative proceeding, as described in Section 36-12-9.5.
- (3) A person is not guilty under this section if the person retracts the falsification before it becomes manifest that the falsification has been or will be exposed.

## Section 1 of ASTM 1527 USER QUESTIONNAIRE - Responses and Comments

Question 1 Potentially appropriate answer.

Question 2 Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands that CMT Engineering Labs was about to excavate for test holes was on "Sensitive" lands, and Mr. De Varona told CMT that was not a problem. (**Note**: This meeting was also documented in the Planning Commission Meeting minutes for 08Aug19) Sensitive Lands information was also readily available in South Weber City's General Plan.

Question 3 Potentially appropriate answer.

Question 4 Potentially appropriate answer.

Question 5A Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store and that most of the concrete had been pushed over a hill to the west.

Question 5B Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store.

Question 5C/D Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, as can be seen from his answer in 5D, received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet), thus his answers to 5A, 5B, 5C, and 5D also were not accurate. In fact, he did not even answer 5D properly!

Question 6 Potentially appropriate answer.

## Section 2 - As part of this study, which of the following are you providing? (ASTM 1527 USER QUESTIONNAIRE - Responses and Comments)

Question 10 Mr. De Varona answered **No**. Comment: In Section 1, Question 5C he responded that he had received a no action letter, thus he had that information.

\*\*\*\*\*

**Note:** Please reference Pages 407 thru 4115 of the Packet- **SITE ASSESSMENT QUESTIONNAIRE** for the following discussions.

In his responses to this questionnaire, Mr. Enrique (Henry) De Varona appears to have possibly made several misstatements in this official document that he signed on 23Mar20 as "Owner Representative" and provided to CMT regarding his knowledge of the Lofts site. The comments are somewhat repetitive because they all a result of a documented conversation on 9Jul19 between 0839 and 0947 at the Lofts site.

## **Section 1 - Current and Historic Uses of Property (SITE ASSESSMENT QUESTIONNAIRE - Responses and Comments)**

Question 1 Potentially appropriate answer.

Question 2 Potentially appropriate answer.

Question 3 Potentially appropriate answer.

Question 4 Mr. De Varona answered **Vacant**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store prior to the Frontage Road being constructed.

Question 5 Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, as can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

## **Section 2 - Potential Environmental Property (SITE ASSESSMENT QUESTIONNAIRE - Responses and Comments)**

### **Conditions**

Question 1 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, as can be seen from his answer in 5D, received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 2 Potentially appropriate answer.

Question 3 Potentially appropriate answer.

Question 4 Potentially appropriate answer.

Question 5 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 6 Mr. De Varona answered **Unknown**. Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 7 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet).

Question 8 Potentially appropriate answer.



Question 9 Potentially appropriate answer.

Question 10 Potentially appropriate answer.

Question 11 Potentially appropriate answer.

Question 12 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store. Additionally, Mr. De Varona, can be seen from his answer in 5D, he received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet)

Question 13 Potentially appropriate answer

Question 14 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes was once the site of a gas station and convenience store.

Question 15 Potentially appropriate answer.

Question 16 Potentially appropriate answer.

Question 17 Potentially appropriate answer.

Question 18 Potentially appropriate answer.

### **Section 3 -User Provided Information Property (SITE ASSESSMENT QUESTIONNAIRE - Responses and Comments)**

#### **User Provided Information**

Question 1 Potentially appropriate answer.

Question 2 Mr. De Varona answered **Unknown**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands that CMT Engineering Labs was about to excavate test holes was on "Sensitive" lands and Mr. De Varona told CMT that was not a problem. This information was also readily available in South Weber City's General Plan.

Question 3 Potentially appropriate answer.

Question 4 Potentially appropriate answer.

Question 5a Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store.

Question 5b Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store.

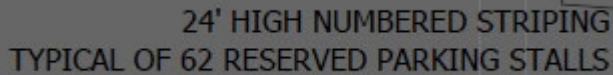
Question 5c Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store. Additionally, Mr. De Varona received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet)

Question 5d Mr. De Varona answered **No**. Comment: Mr. De Varona was informed on 9Jul19 between 0839 and 0947 that the lands being excavated for test holes were once the site of a gas station and convenience store. Additionally, Mr. De Varona received a UST no further action letter from the State of Utah for this property (See Page 390 of Packet)

## Discussion Item #4

Regarding the Entellus drawings: (**Note:** The following questions were determined through cursory review of the drawings, during the limited amount of time available, and on a computer screen where many details are not readily observable as would have been seen on a full-size drawing.)

### 1) Packet page 439 - **Drawing #C304**



24' HIGH NUMBERED STRIPING  
TYPICAL OF 62 RESERVED PARKING STALLS

Contains the following text:

Why are just 62 reserved stalls mentioned?

### 2) Packet page 448 - **Drawing #C700**

A) It appears that a pump/lift station could be required to get the sewer and storm water from the lower portions of the development, under the Davis and Weber Canal, into its appropriate discharge point. No such pump/lift station could be found in any of the drawings. Is a pump/lift being proposed? (**Note:** If so, the Planning Commission and City Council should be wary because this is a nearly identical situation where Sunset City experienced problems with this same developer performing work prior to City Council approval. This was reported in the Sunset City Corporation -City Council Minutes of May 15, 2018 and presented at the South Weber City Council Meeting on 20Aug19.)

B) What happens if/when the Detention Basin fills and overflows? Where would this excess water flow? What precautions are being taken to safeguard the adjacent neighborhood?

C) Another note is, that when there are severe storms in SWC, it is not uncommon for there to be a power outage. If a power outage were to occur, and a pump/lift station is used, what type of reservoir/holding cistern would this have, and what is the storage capacity? In the case of the Sunset City development, the built-in storage capacity was only eight (8) hours for just 16 units not like the 72 units plus businesses being proposed for the Lofts.

## Discussion Item #5

Regarding Fred C. Cox, Architect - **Variance Application Letter of Explanation.**

Packet page 472

1) I do not understand why South Weber City is entertaining this Variance Request. A preponderance of the property has had the same topography for hundreds of years. Why was the topography not taken into consideration during the design phase for this property. Mr. Cox has been involved with this property for over a year as is evidenced by his name on South Weber City's "Subdivision/Land Use Process Application" and listed as the "Developer's Engineer" and shown as "Fred Cox (Architect)" His statement in the Variance Application Letter of Explanation "The unreasonable hardship from current zoning language is that the parking lot would be too steep in the wintertime..." is absurd.

2) Mr. Cox's statement in the Variance Application Letter of Explanation "The unreasonable hardship from current zoning language is that the parking lot would be too steep in the wintertime..." is again, absurd. The zoning language has not changed and should have been taken into consideration during the project design. Once again, nothing in the zoning language, topography, or anything else has changed in past years.

3) I disagree with Mr. Cox's statement that "This is not self-imposed or economic." His design is **both** of these! The basic building layout design has not changed substantially since day one of this project! So, why now a variance? Some of the design has changed to the established zoning codes and City regulations, but such things as adding a basement to what is now called Parcels A and B is nothing but economic!

**Note:** Another reminder was that, during the discussion on the rescission of the C-O code, the City Council promised, in open meeting that, whenever C-O was presented, the Developer would be held to all C-O requirements, and that no variances would be granted .



## Discussion Item #6

The entity of Sunset Development, LLC has been mentioned in documents during the Lofts development process with Joseph M. Cook over the past year. A recent search shows that:

### Sunset Development, LLC is now delinquent with the Utah Department of Commerce!

utah.gov


Services

Agencies

Utah.gov Secured


A SECURE ONLINE SERVICE FROM UTAH.GOV

Subs



DIVISION OF CORPORATIONS AND COMMERCIAL CODE

BUSINESS SEARCH



SUNSET DEVELOPMENT , LLC

Update this Business

Entity Number: 9380381-0160

Company Type: LLC - Domestic

Address: 937 YORK DR North Salt Lake, UT 84054

State of Origin:

Registered Agent: [JOSEPH M COOK](#)

Registered Agent Address:


784 PARKWAY DR

NORTH SALT LAKE, UT 84054

View Management Team

Status: Delinquent

Purchase Certificate of Existence

Status: Delinquent  as of 07/16/2020

Renew Now

Status Description: Failure to File Renewal

Employment Verification: Not Registered with [Verify Utah](#)

History

View Filed Documents

Registration Date: 04/14/2015

Last Renewed: 04/26/2019

Additional Information

NAICS Code: 9999 NAICS Title: 9999-Nonclassifiable Establishment

Is this a problem for South Weber City or the Developer regarding these proceedings?

**From:** [Mountain Valley Retreat](#)  
**To:** [Public Comment](#)  
**Subject:** The Lofts  
**Date:** Wednesday, August 26, 2020 6:24:23 PM

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Greetings to the, South Weber planning committee, we are empty nesters who live at 2569 E. 7870 S. and we are in the neighborhood that will view the backside of the three-story development being discussed Thursday evening. We encourage you to say no to the three-story development. We certainly cannot believe you would allow a three-story building in our neighborhood. We ask that you stay with our city code concerning this difficult property. Keep into account there should be no variance allowed. The developer should be held to our city codes. There are other properties with better land grades, street access, and less resistance by citizens. We also think the highrise apartments/condos are not beautiful, the extreme high-density is shocking to us. Please consider the number of families who might live there, with zero green space.

The following is a quote from the Facebook page I follow, South Weber Citizens United, Joel Dills states,  
EVERYONE should agree that a huge project like this one MUST follow the city code to the letter. The code isn't just a bunch of rules about how a project should look, it's about the safety and well being of all those who live there and those who live close by. These codes are not arbitrary, and every city in the state has similar, if not more stringent regulations, to protect the city as a whole. A legal precedent can be established by other developers who feel they too should be given exemptions from the law. This has to be stopped. The PC and its commissioner need to stop giving away our protections to support a few big-money developers. This needs to be rejected outright and told that they should resubmit a plan without requiring exceptions to the law. There is no reason for it, except to make the developer more money. The land can still be developed following all the laws the rest of us have to follow. These exceptions, with no standardization or equal value measures, should only be the exception and not a standard practice of bypassing city laws. Why can the elected City Council pass a law but the unelected, unaccountable PC change it whenever they wish? Who's in charge over there? We elected the mayor and CC to represent us, and I think overall, they do a good job, but the PC needs to stop bypassing our laws and then making the mayor and PC e the heat. We need to stop this practice.

Respectfully,

Rod and Jan Massie  
801-499-1903  
801-781-0041

**From:** [tonya.mackintosh](mailto:tonya.mackintosh)  
**To:** [Public Comment](#)  
**Subject:** RE: August 27, 2020 Public Hearing #2-The Lofts at Deer Run  
**Date:** Wednesday, August 26, 2020 12:01:08 PM

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More thoughts for our written submission for the record.

Sewer: Does the Lofts have there own sewer? When we moved here 30 years ago everyone was on a septic tank. The sewer was then installed I believe in the middle of Deer Run Drive and everyone paid to tie in. I am curious as to the sewer system at the Lofts? Years ago I have no idea how much development was anticipated for the future sewer use. I would like to know if that development has it's own sewer or does it tie into the sewer serving the Deer Run subdivision? Is there any way that the Loft sewer could cause a backup in our basements in the residential area? Please let me know.

Will there be enclosures around the heating and air conditioner handlers on the 4 corners? They tend to be very noisy.

As for snow removal, I have reviewed the plan and see - first no way to remove the snow. And 2nd no where to put it. You could eliminate 10 or so parking spaces in the back corner and build a mountain of snow. Will there be carports so the cars can get a running start?

I have worked in construction my whole life and what you learn is to build a good project it was to make sense. Nothing about this makes sense. It's like "let's just build it and see what happens".

There is not a worse time to be allowing this project to be discussed with the pandemic going on. Even those with the strongest mental outlook are struggling at this time. For this reason I think you should table this project until things are more normal and we have an opportunity as a City to further discuss this matter.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

**From:** Public Comment <[publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)>  
**Date:** 8/25/20 8:20 AM (GMT-07:00)  
**To:** "tonya.mackintosh" <[tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)>  
**Subject:** RE: August 27, 2020 Public Hearing #2-The Lofts at Deer Run

[Yes, it was received and will be sent to the Planning Commissioners.](#)

---

**From:** tonya.mackintosh <[tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)>  
**Sent:** Tuesday, August 25, 2020 8:12 AM  
**To:** Tonya Mackintosh <[Tonya.Mackintosh2610@outlook.com](mailto:Tonya.Mackintosh2610@outlook.com)>; Public Comment <[publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)>



**Subject:** RE: August 27, 2020 Public Hearing #2-The Lofts at Deer Run

South Weber City- can you let me know this was received? Thank you

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Tonya Mackintosh <[Tonya.Mackintosh2610@outlook.com](mailto:Tonya.Mackintosh2610@outlook.com)>

Date: 8/23/20 10:55 AM (GMT-07:00)

To: [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)

Cc: [tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)

Subject: August 27, 2020 Public Hearing #2-The Lofts at Deer Run

Tonya and Cory Mackintosh

2610 Deer Run Drive

We would like to make a Public Comment for the record, related to the Lofts at Deer Run.

We are strongly opposed to this HD development. This year we received the mailed notice that we are within 300 feet from the boundary of the property. We did not receive such notice when the property was re-zoned. We had no idea of this change until July 2019.

This new development will impact the few houses backing the property significantly, which includes our home of 30 years. We did not move to South Weber with the vision we would have 72 families living practically in our backyard. This is too many for an already established neighborhood. Our somewhat peaceful backyard will become major noise of cars, people, and mechanical equipment that services the facility, such as air handlers, garbage collection, snow

removal, etc. Not our reason for moving to South Weber and choosing to commute to SLC to work for 30 years.

Traffic concerns: the report only shows small delays but that seems to be incorrect from our view as residents of our community. It seems fair to estimate that every owner would have at least 2 cars coming and going from this property daily. In addition, you would have commercial visitors depending on the commercial establishment that lease or own part of the building.

Parking: This is a nightmare waiting to happen. One parking place per unit is not adequate. It should be required at least 2 spaces. Preferred would be a double car enclosed garage for each unit to have an appearance that adds value to our City. This property is not value added. Will cars now be parked on the nearby streets as it was determined parking on the frontage road would not be safe?

Other concerns:

Play ground on the corner of Deer Run Drive. Is that really safe? This can be a very busy road with a lot of car sliding in the winter months. What does open fence by the play area mean? The need of a play ground indicates families will be a target buyer which greatly increases the amount of people living in this small area in an established residential area.

Once condos are established, we the residents nor the City have much control over the HOA rules. How many will be subject to short term rentals by the owner of the condo? Will they have a required window covering for a uniform appearance or does anything go that adds an eye sore to the frontage road, nearby houses and the community. We own a condo so we understand the changes that are implemented yearly with HOA Boards.

Crime- This will greatly increase. We should all be concerned about this. We have no idea if the condos will be rentals or owner occupied. Again, we would have no control over this. Crime will be on the rise. Who pays for this?

Maybe it needs a 30 foot fence around it?

Fire hazard behind the buildings to the west. Is this a concern/problem?



Property value: What is the suggested selling price? How will this price impact the current property owners. We have spoken to a couple of Realtors which claim this will decrease our value.

We do realize this is land that has been sold for development. The apartment style condos are not acceptable and will impact the appearance and value of South Weber. Nice townhomes would be a much better option. Residential houses, even better. 72 apartment style condo with no outside enclosures to hold personal property (cars, junk) is not a good idea. We ask that the South Weber Planning Commission and Council help us in not allowing this property to be built.

Concerned Citizens,

Tonya and Cory Mackintosh

Sent from Windows Mail

**From:** [Tonya Mackintosh](#)  
**To:** [Public Comment](#)  
**Cc:** [tonya.mackintosh@yahoo.com](mailto:tonya.mackintosh@yahoo.com)  
**Subject:** August 27, 2020 Public Hearing #2-The Lofts at Deer Run  
**Date:** Sunday, August 23, 2020 10:55:44 AM

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Tonya and Cory Mackintosh  
2610 Deer Run Drive

We would like to make a Public Comment for the record, related to the Lofts at Deer Run.

We are strongly opposed to this HD development. This year we received the mailed notice that we are within 300 feet from the boundary of the property. We did not receive such notice when the property was re-zoned. We had no idea of this change until July 2019.

This new development will impact the few houses backing the property significantly, which includes our home of 30 years. We did not move to South Weber with the vision we would have 72 families living practically in our backyard. This is too many for an already established neighborhood. Our somewhat peaceful backyard will become major noise of cars, people, and mechanical equipment that services the facility, such as air handlers, garbage collection, snow removal, etc. Not our reason for moving to South Weber and choosing to commute to SLC to work for 30 years.

Traffic concerns: the report only shows small delays but that seems to be incorrect from our view as residents of our community. It seems fair to estimate that every owner would have at least 2 cars coming and going from this property daily. In addition, you would have commercial visitors depending on the commercial establishment that lease or own part of the building.

Parking: This is a nightmare waiting to happen. One parking place per unit is not adequate. It should be required at least 2 spaces. Preferred would be a double car enclosed garage for each unit to have an appearance that adds value to our City. This property is not value added. Will cars now be parked on the nearby streets as it was determined parking on the frontage road would not be safe?

Other concerns:

Play ground on the corner of Deer Run Drive. Is that really safe? This can be a very busy road with a lot of car sliding in the winter months. What does open fence by the play area mean? The need of a play ground indicates families will be a target buyer which greatly increases the amount of people living in this small area in an established residential area.

Once condos are established, we the residents nor the City have much control over the HOA

rules. How many will be subject to short term rentals by the owner of the condo? Will they have a required window covering for a uniform appearance or does anything go that adds an eye sore to the frontage road, nearby houses and the community. We own a condo so we understand the changes that are implemented yearly with HOA Boards.

Crime- This will greatly increase. We should all be concerned about this. We have no idea if the condos will be rentals or owner occupied. Again, we would have no control over this. Crime will be on the rise. Who pays for this?

Maybe it needs a 30 foot fence around it?

Fire hazard behind the buildings to the west. Is this a concern/problem?

Property value: What is the suggested selling price? How will this price impact the current property owners. We have spoken to a couple of Realtors which claim this will decrease our value.

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