

**SUNSET CITY CORPORATION
PLANNING COMMISSION MINUTES
January 15, 2015
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Minutes of a public hearing and regular Planning Commission meeting held **January 15, 2015** at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Chair Stevenson presiding:

Planning Commission Members Present:

Scott Stevenson	Chair
Jonathan Ellsworth	Commissioner
Jason Gabbert	Commissioner
Brad Weller	Commissioner

Employees and Officials Present:

Susan Hale	Recorder
Jake Peterson	Council Member
Norman Noyes	Public Works Director

Excused:

Brian Parker	Commissioner
Linda Youngdell	Treasurer/Office Manager

Others Present:

Ji Morris	Beverly Law
Monika Petrowsky	Vivienne Hammer
Elmo Hammer	Helen Kay
Clair Pribble	Andrea Tempfer
Fred Taylor	Joe Cook

Chair Stevenson opened the meeting at 6:30 p.m., welcoming everyone in attendance.

Chair Stevenson stated that tonight they will be holding a Public Hearing to discuss the rezone of the Holbrook property from R-1 to R-3. The plat map that was displayed on the monitor is the existing PRUD that Mr. Holbrook owns and is recorded with Davis County. This plat shows what could currently be built on the property regardless of the outcome of tonight's meeting. Judy McDermot asked Chair Stevenson to explain the difference between the two zones. Chair Stevenson replied an R-1 does not allow for multi-family homes where a R-3 does allow multi family units as a conditional use.

Motion: Commissioner Weller made a motion to table the minutes of December 18, 2015. Commissioner Gabbert seconded the motion. The motion passed unanimously.

Motion: Commissioner Weller made a motion to go into a Public Hearing. Commissioner Ellsworth seconded the motion. The motion passed unanimously.

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PUBLIC HEARING

1. **Re-zone request from R-1 to R-3 on 4.907 acres located at approximately 2562 North 475 West:** Chair Stevenson informed those in attendance that they need to stay on topic and that if anyone gets out of line or off topic, he will ask them to sit down. Each person who would like to speak will be given three minutes to state their opinion about rezoning this property to R-3 from the existing R-1. This property is located in Sunset City.

Judy McDermot, lives across the street from this property. The current owner of the property was not present at the meeting. She confirmed that the owner currently has a PRUD and could continue to build what is already approved. Ms. McDermot is concerned if the new development would have a Home Owners Association or not. Chair Stevenson reminded Ms. McDermot that they are not discussing a development, just a rezoning of the property. She feels it would be important to have a HOA. The street is dangerous and she worries about the traffic. She is concerned about the access into the property, additional crime, the possibility of utilities going up for citizens, noise level, and what this will do for the value of the homes in the area.

Barbara Murphy from Roy spoke for her and her husband. She opposes this due to water restrictions, the storm water, the wildlife with protected species that inhabit the property, and who would monitor who lives in the units and how many people live in each unit. She is also concerned about the crime and if the Police Department would be able to handle it. Ms. Murphy knows what cars belong in her neighbors driveways and feels that they would not have this if this was be rezoned.

David Rabarik lives in Roy down the street from this property. He is worried about the parking. The apartments that are currently south of the property do not have ample parking, therefore vehicles are parking on the street, which is not enforced as much as it use to be. Infastructure is also a concern. It seems that there have been a lot of water leaks in that area. Water flow may not be sufficient.

Helen Alridge from Sunset is concerned about the traffic and adequate roads to handle the added traffic. Access into the property is a concern and she does not feel it is feasible to have this in that area.

Fred Taylor from Roy agrees with all that has been said so far.

Clair Pribble from Sunset is concerned about the wetlands in that area.

Douglas Powers stated that he moved to Sunset due to the quiet easy going area without much traffic and noise. Traffic in the last few years has picked up and vehicles seem to speed in that area. With more apartments it will increase the traffic even more. He

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wondered if the City had conducted a study to show the impact. He is also concerned, as the others are, about the parking on the street. He also wonders if taxes will be increased.

Vivian Hammer stated her father lives on 450 West in Sunset. They have the same concerns as what has already been said. Access, privacy and noise are a huge concern.

Eugene Anderson from Sunset is extremely concerned and agreed with everyone who has spoken. Another concern is if the schools can handle the number of children it will bring in. He is totally opposed to it.

Joseph Cook, who is the developer, introduced himself and stated that Mr. Holbrook, the owner of the property, could not be in attendance. Mr. Cook has a similar project in South Salt Lake. These units will be owner occupied with 2.5 parking stalls per unit. Their target market will be airmen. The project in South Salt Lake has been successful. They will have an HOA (home owners association), playground and will maintain the landscaping.

Jay Morris Law, who is a Sunset resident, stated that every time an apartment is built or a townhouse, the crime increases. He has lived in Sunset since 1961 and has enjoyed it. This has him upset.

Norman Noyes who lives in Sunset would like to make it clear that he believes the R-3 is better than what is currently in place. The owner of the property can already build what has been approved. What is approved are apartments like the four that are currently built. This developer is going to serve the community.

Chair Stevenson reminded the audience what the difference is between an R-1 and an R-3. As a Planning Commission they have more control over what can be built in an R-3. They cannot change what is currently approved in the R-1 zone.

Barbara asked when the existing PRUD was approved. Chair Stevenson informed her that it was approved in 1984.

Mr. Erbanik came to tonight's meeting due to lack of information in the letter that was sent to the surrounding residents. More information would have been helpful. He is also concerned about the Chevron gas line.

Chair Stevenson reminded everyone again that they have more control of what is developed in an R-3 zone than in what they may build in an R-1 zone.

An audience member stated she is concerned about property values and where the property line will be, along with a fencing or sound barrier. Chair Stevenson reminded everyone that this is a Public Hearing to change the zone only and not the details of what the

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developer would like to propose. The preliminary plat will be addressed in the regular meeting.

Andrea Timper who resides in Clinton is concerned about the property value, school overcrowding, crime, train tracks (suicide alley). She suggested maybe they could require a better barrier. She is also concerned about the water run off.

Chair Stevenson read a letter he received from a resident and that had been passed out to surrounding residents by the person who wrote the letter.

Motion: Commissioner Ellsworth made a motion to go out of the Public Hearing and go back into a regular meeting. Commissioner Gabbert seconded the motion. The motion passed unanimously.

REGULAR MEETING

- 1. Consider re-zone request from R-1 to R-3 on 4.907 acres located at approximately 2562 North 475 West:** Chair Stevenson stated that they now need to take into consideration the comments from the Public Hearing on parcel 13-060-0032 and make a recommendation to the City Council. He feels that all of the comments are valid but nothing that has been addressed today can change what was done 20 years ago. Chair Stevenson had to bring the meeting back to order due to the audience speaking out without being called on. He informed everyone that they are no longer in a Public Meeting and that their comments have been heard. Commissioner Weller stated that he wants the audience to know a little back ground about the Planning Commission and what they can and cannot do. When a business comes before the Planning Commission, the Commissions can put conditions on the proposed business. He used the Maverik Convenience Store that had just recently come before them as an example. If the property was to remain R-1, they would have no say about what could be built because it has already been approved. If the zone is changed from an R-1 to an R-3, the Planning Commission can now review the proposals and set conditions. These conditions can be what the citizens have made known during the Public Hearing. They can request a privacy fence along the railroad, landscaping, lighting and infrastructure. This gives the City control to address the residents concerns. Mr. Holbrook can continue to build what has already been approved. Commissioner Weller then invited anyone in the audience that is interested, to join the Planning Commission and help them with items like this. Residents are always invited to attend the Planning Commission Meetings, which are held on the third Thursday of each month. The letters were sent to residents due to the Public Hearing. Recorder Hale informed the audience that the City is required to send meeting agendas to the newspaper. It is the newspaper's discretion to publish it or not. The agenda is posted at the City building and also on the City website. Commissioner Weller reminded everyone that the Planning Commission meetings are always on the third Thursday of each month. Chair Stevenson stated that the residents need to take it upon their selves to become aware of what is going on in the City.

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Motion: Commissioner Weller made a motion to recommend to the City Council that parcel 13-060-0032 be rezoned from R-1 to R-3. Commissioner Gabbert seconded the motion. The motion passed unanimously.

2. **Conceptual Site Plan review for owner occupied townhome units to be located at approximately 2562 North 475 West:** Chair Stevenson displayed the conceptual site plan on the monitors and turned the time over to Joseph Cook. Mr. Cook stated that they are targeting airmen working at Hill Air Force Base. They will have 2.5 parking stalls per unit and they intend to put the road next to the tracks so the homes are located away from the tracks. They will also plant trees for sound barriers. The homes will be nice and he does not believe it will hurt property values. An HOA will maintain landscaping. The middle area will be common area with grass, playground, etc. The common area will be recessed as a storm water basin. These units will not be apartments, but owner occupied units. The eastern edge of the property has a 27' easement and they will be 10' further in from that. There are some trees that can stay on the property, but additional trees will be added. Homes will be about 35 to 40 feet from the neighboring property lines. The access will be a looped access. They will install a vinyl privacy fence around the property. Mr. Cook stated that the existing sewer goes to Roy City and this new development will do the same. Mr. Cook will work with Public Works on the infrastructure. Chair Stevenson encouraged the public to take a look at the project that Mr. Cook built in South Salt Lake to help them get the feel for what this project will look like.
3. **Selection of Chair and Alternate Chair for 2015 to recommend to the City Council:** Chair Stevenson asked for recommendations to submit to the Mayor and City Council for the 2015 Chair and Alternate Chair.

Motion: Commissioner Weller made a motion to recommend Commissioner Elsworth as the Chair and Chair Stevenson as the Alternate Chair. Commissioner Gabbert seconded the motion. The motion passed unanimously.

4. **General Information:** Commissioner Ellsworth reported that he has been working on the sign standards and should be able to wrap it up in a couple of weeks.

Commissioner Weller urged residents to become Planning Commission Members.

Council Member Peterson reported that the City Council has discussed the Planning Commission being the Appeal Authority. Recorder Hale explained that the Planning Commission could be the Appeal Board as far as doing variances and their decision would go directly to the Court and not to the City Council. If the appeal is of a Planning Commission decision on zoning, the appeal would go to the City Council. Recorder Hale stated that Clearfield City is set up this way and asked them each to look into this. There

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are very strict requirements of what a variance can be granted for. Chair Stevenson is concerned about it being a conflict of interest.

Motion: Commissioner Weller made a motion to adjourn. Commissioner Ellsworth seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:45 p.m.

These minutes have been read and approved at the Planning Commission meeting held March 19, 2015.

Scott Stevenson, Chair

Linda J. Youngdell, Treasurer/Office Mgr.