

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

March 19, 2014

The North Ogden Planning Commission convened in a regular meeting on March 19, 2014 at 6:32 pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on March 14, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Scott Barker	Commissioner
Joan Brown	Commissioner
Dee Russell	Commissioner
Phillip Swanson	Commissioner

STAFF:

Gary Kerr	Building Official
Rob Scott	City Planner
Stacie Cain	Community Dev. Coord./Deputy City Recorder

VISITORS:

Terry Luke

REGULAR MEETING

Chairman Thomas called the work session to order at 6:32 pm. Commissioner Russell offered the invocation and led the audience in the Pledge of Allegiance.

Chairman Thomas welcomed newly appointed Planning Commissioner Scott Barker and stated he will be asked to provide some information about himself at the conclusion of the meeting.

CONSENT AGENDA

- 1. CONSIDERATION TO APPROVE THE FEBRUARY 19, 2014 PLANNING COMMISSION MEETING MINUTES.**

Commissioner Swanson made a motion to approve the consent agenda. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

There were no public comments.

2. DISCUSSION AND/OR ACTION TO APPROVE A SITE PLAN APPLICATION FOR CAFÉ RIO.

A staff memo from City Planner Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria. The memo provided a background of the application, noting the applicant is requesting the approval of a site plan review to allow Cafe Rio to occupy the space previously occupied by Blockbuster. The request for a site plan review must meet the following criteria from the North Ogden Zoning Ordinance:

- 11-8B (Planned Commercial Zone CP-2) - Restaurants are an allowed use in the CP-2 zone.
- 11-80 (Design Standards for Commercial Development)
 - The Cafe Rio location is part of the Lee's Shopping Center. This site plan would not be coming before the Planning Commission had Cafe Rio moved into the occupying space with no exterior changes; however, the applicant is proposing two changes to the exterior of the building. The first change is the addition of a covered outdoor eating plaza on the south side of the building. The plaza is approximately 12 feet by 40 feet for a total of 480 square feet. It will have nine tables and is surrounded by a metal railing. The second building addition is on the west and will house a walk in cooler (14 feet by 8 feet). Since this site has an existing approval the standards for building articulation, canopies, and exposed fronts have been previously reviewed. The plaza area is taking up some of the front walk way area but is not a problem since it is located at the end of the walkway and isn't blocking access to other businesses. The color standards are addressed in the attached picture renderings. The colors contain a mix of tans and grays as allowed as "predominantly natural, muted earth tones ... including browns, black, grays, greens, rusts, etc.

- 11-17 (Parking and Loading; Traffic Access)
 - The applicant has provided an analysis of the parking requirement which shows a need for 51 stalls with 71 stalls available. The walk in cooler will occupy one existing parking space. Staff has researched the relationship of the parking within the shopping center to this site. There is a cross access and parking agreement that allows all of the tenants within the shopping center to share both access and parking.
 - The drive south of the building is approximately 43 feet. By removing 12 feet for the plaza there will remain 31 feet of driveway. The North View Fire Department is requiring a minimum of a 20 foot driveway on the south side of the building to accommodate their fire truck access as per the Fire Code.
- 11-22 (Sign Regulations for all Zones)
 - The signs shown on the exhibits are illustrative. Sign permits will be applied for by a sign company at a later date.

The memo concluded the above described application conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goal: all existing and new development should be required to fairly and uniformly provide improvements according to city standards. Staff recommends approval of the site plan for Cafe Rio as per the application. The application has been reviewed and been found to be in compliance with all applicable North Ogden City Zoning Regulations.

Mr. Scott reviewed his memo and noted the Water Department has found there is a water line that runs along the south side of the building and there is a 10-foot easement associated with the line; the City will work with the applicant to determine how that easement will be recognized.

Commissioner Brown inquired as to how the water line will impact the project. Mr. Scott stated he has discussed multiple options with Café Rio, including modifying their plans relating to the construction of the outdoor eating area or relocating the water line. He stated he is sure the City and Café Rio will be able to reach a suitable agreement.

Commissioner Swanson asked how close the water line is to the building. Mr. Scott stated the Water Department is having a hard time locating the line, but there is some indication that it is approximately eight or nine feet from the south edge of the building; it is a 10-inch line.

Chairman Thomas asked if the City would object to Café Rio building their patio over the water line. Mr. Scott stated he cannot answer that question for the Water Department, but there may be concerns about the City's access to the waterline for any maintenance needs if a patio is constructed on top of it.

Vice-Chairman Waite asked what type of line it is. Building Official Kerr stated it is a ductal iron culinary water line.

Commissioner Russell stated he has questions regarding access to the site based on the existing entrances to the development. Mr. Scott stated he shared a concern about whether the patio would create a problem due to its proximity to the entrance to the development. Mr. Kerr stated the applicant would be required to provide two entrances and he highlighted how the entrances would need to be oriented. There was a brief discussion regarding parking associated with the restaurant and Terry Luke, Café Rio representative, reviewed the plans including the layout of the site and parking. He noted this site is smaller than other Café Rio restaurants and if it is not possible to construct the patio to provide additional seating, it may not be possible for Café Rio to move forward with the project. He stated he will continue to negotiate construction on the water line easement with the City, noting a patio is not considered a structure because it does not have four walls and a roof. He reviewed the design of the patio and he also identified the two

entrances to the building. He stated he also has color samples to present to the Planning Commission so they may understand how the building will look from the outside; he is also working with the landlord of the building to gain approval of the color scheme.

Commissioner Russell asked if parking in the rear of the building will be used by the restaurant. Mr. Luke stated that area will be designated as employee parking, but it will also be open to the public. There was a discussion about whether there is sufficient parking for the restaurant, with Commissioner Brown stating she does not feel there will be a parking problem because many of the other businesses in the development do not need a significant number of parking spaces. Mr. Luke agreed and highlighted the nature of the other businesses and the number of employees they have. He concluded he feels there is adequate parking at the site.

Commissioner Russell made a motion to approve the site plan application for Café Rio, contingent upon negotiating any work to be done within the 10-foot water line easement. Commissioner Brown seconded the motion.

Chairman Thomas stated he is hopeful the City will work with Café Rio as it is his opinion that they would be a good tenant in the development. Mr. Scott agreed and stated the City is excited about this opportunity.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

3. DISCUSSION AND/OR RECOMMENDATION OF AMENDMENT TO ZONING ORDINANCE 11-2-1, DEFINITIONS, BUILDING HEIGHT.

Chairman Thomas stated the Planning Commission discussed this issue at their last meeting and asked that an official ordinance be drafted before voting upon a recommendation to the City Council. Mr. Kerr stated the Planning Commission must simply determine whether they are comfortable with the language and diagrams included in the draft ordinance. He stated when the issue was originally discussed there was no reference to flat lots and the method for measuring a building height on that type of lot. He reviewed the language in the ordinance and the diagram for that type of lot. He also reviewed the additional changes in the document and asked the Planning Commission if they have questions.

Commissioner Russell inquired as to the definition of finished grade. Mr. Kerr stated the finished grade is the grade of the property upon completion of home construction. There was a general discussion about the method by which a building height is measured, with a focus on the potential development between a front and rear building height on a home. Chairman Thomas stated he is supportive of the ordinance because it provides staff with a tool that can be used to properly measure building heights. He noted there are few typographical errors in the document that need to be corrected before it is forwarded to the Council.

Vice-Chairman Waite made a motion to forward a positive recommendation to the City Council for an amendment to Zoning Ordinance 11-2-1, relating to definitions and building height, with the appropriate corrections of typographical errors. Commissioner Swanson seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

4. PUBLIC COMMENTS.

There were no public comments.

5. PLANNING COMMISSION/STAFF COMMENTS.

Commissioner Barker introduced himself and provided the Commission with a brief overview of his education and his professional background. Chairman Thomas stated he is pleased to have a full Planning Commission upon Commissioner Barker's appointment.

Commissioner Brown stated she has observed a construction project that involves renovating an old building and she explained staff has indicated the parking covers on the building would be removed. She asked if that is in writing or if the developer has agreed to perform that work verbally. Mr. Kerr stated it is part of the conditions of the building permit. Commissioner Brown stated she is hopeful the staff will not issue a certificate of occupancy until the structures are removed. She then stated last year someone built a pergola on their property line and she feels that type of structure should be classified as an accessory building and that it should be constructed a certain distance from the property line to protect privacy of neighboring home owners. There was a discussion regarding this recommendation with Chairman Thomas stating he is not in favor of regulating such a structure that is built to shade a portion of a property owner's yard. Commissioner Brown stated that a pergola is more than a landscape amenity. Vice-Chairman Waite stated it should not be classified as a permanent structure. Commissioner Brown stated there are many things happening in the City that are not permitted. She stated an ordinance is only as good as the City's ability to enforce it. Vice-Chairman Waite stated the Planning Commission is not in the business of regulating. He added that he does not know of any city that can say that they have the ability to enforce all of their ordinances; ordinances are meant to provide direction to the public and the City can only hope that the public is civil and will follow those directions. Commissioner Brown stated the public is not very respectful of the goals of the City. Vice-Chairman Waite disagreed and stated he would like to think that the majority of the public is respectful and follows the ordinances; there is only a minority that does not follow the ordinances. Commissioner Barker asked what would happen if a resident filed a complaint about a structure that is being constructed without a permit. Chairman Thomas stated that the issue is handled by staff. There was a brief discussion regarding enforcement practices.

Commissioner Russell inquired as to the timing of the Café Rio projects. Mr. Scott stated if all negotiations go smoothly, the restaurant may be open within two months.

Mr. Scott provided the Planning Commission with an update regarding grant applications for funding that would assist the City through the process of updating the General Plan and the creation of a downtown plan. The City will be informed of the success of the applications by April 9. He then noted he met with Mayor Taylor this week and he is interested in holding a joint City Council and Planning Commission meeting regarding the General Plan on either April 15 or April 29. The Planning Commission stated they are most supportive of the April 15 date.

6. ADJOURNMENT.

Commissioner Brown made a motion to adjourn the meeting. Vice-Chairman Waite seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Brown	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

The meeting adjourned at 7:15 pm.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved