

# NORTH OGDEN PLANNING COMMISSION

## MEETING MINUTES

July 16, 2014

The North Ogden Planning Commission convened in a regular meeting on July 16, 2014 at 6:30 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 July 11, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

### COMMISSIONERS:

Scott Barker	Commissioner	
Joan Brown	Commissioner	
Blake Knight	Commissioner	Excused
Steven Prisbrey	Commissioner	
Dee Russell	Commissioner	
Eric Thomas	Commissioner	
Don Waite	Commissioner	

### STAFF:

Ron Chandler	City Manager	
Annette Spendlove	City Recorder	
Robert O. Scott	City Planner	
Gary Kerr	Building Official	
Jon Call	City Attorney	
Stacie Cain	Community Dev. Coord./Deputy City Recorder	Excused

### VISITORS:

Loene Hill	Robert Hill
Linda Hill	Chris Cave
Lucy Fuller	Brenda Fulmer

### REGULAR MEETING

Chairman Thomas called the meeting to order at 6:33 pm. Commissioner Barker offered the invocation and led the audience in the Pledge of Allegiance.

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS.**

There were no public comments.

### **2. DISCUSSION AND/OR ACTION TO APPROVE HALL TREE SUBDIVISION PHASE 15 PRELIMINARY AND FINAL PLAT, LOCATED AT APPROXIMATELY 2925 N 1400 E**

A staff memo from City Planner Scott stated 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 applicant is requesting preliminary and final approval of Phase 15 of Hall Tree subdivision an 8 lot subdivision at approximately 2950 North and 1400 East. The 8 lot subdivision is on 3.2 acres and is located in the R-1-10 zone. The R-1-10 zone requires a minimum lot size of 10,000 square feet on interior lots and 11,000 square feet on corner lots with a frontage requirement of 90 feet. The property is currently vacant. A technical review committee met on June 25, 2014. The applicant will need to comply with the requirements from the referral agencies. The overall layout of the subdivision provides appropriate access to the adjoining properties. All lots meet the minimum size and frontage requirements. The City Engineer has submitted a staff review dated July 9, 2014. There are comments regarding the plat, improvement plans, and culinary water. Each of these comments will need to be addressed as part of the final submittal. The memo summarized potential Planning Commission considerations as follows: does the proposed subdivision meet the requirements of the applicable City subdivision and zoning Ordinances? The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as single family residential. Mr. Scott recommended two conditions of approval: that the subdivision meet all requirements of the North Ogden City Engineer; and that the subdivision meet requirements of all referral agencies. Staff recommends preliminary and final approval of this application for Hall Tree Phase 15 subdivision subject to the conditions from the North Ogden City Engineer and reviewing agencies.

Mr. Scott summarized his staff memo.

Chairman Thomas called for public input.

Shawn Staner, 3034 N. 1375 E., stated he lives directly north of the proposed development and he is not very happy about it. He noted the land directly to the north of the subject property is a hillside protection area and he wants to make sure the boundaries of that area are defined to make sure that building does not encroach on that area.

Chairman Thomas stated it has been established that the property and the proposed subdivision is not within the hillside protection zone. Mr. Staner inquired as to the boundaries of the hillside protection zone. Chairman Thomas stated there is a map for the zone and he referred Mr. Staner to staff to review the map. He stated that if a development were to be located in a hillside protection area they would be required to meet certain standards before receiving approval. Mr. Staner referenced recent legislation regarding development within hillside protection areas and noted the legislation will inhibit development. The Planning Commission reviewed a map contained in the packet for the meeting highlighting the location of the subject property in proximity to the hillside protection area. Chairman Thomas thanked Mr. Staner for his comments.

**Commissioner Brown made a motion to approve Hall Tree Subdivision Phase 15 preliminary and final plats, located at approximately 2925 N. 1400 E, subject to the conditions of the North Ogden City Engineer and reviewing agencies. Commissioner Barker seconded the motion.**

**Voting on the motion:**

<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Waite</b>	<b>yes</b>

**The motion passed.**

**3. DISCUSSION AND/OR ACTION TO APPROVE THE VILLAGE AT PROMINENCE POINT SUBDIVISION PRELIMINARY PLAT, LOCATED AT APPROXIMATELY 1700 N WASHINGTON BLVD**

Chairman Thomas stated he will recuse himself from voting on this item due to the fact that he owns property to the west of the subject property. He stated he will participate in discussion regarding the agenda item.

Commissioner Prisbrey indicated that he works with John Hansen, the realtor for this project, and he also recused himself from voting on this item.

A staff report from City Planner Scott stated 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 applicant is requesting preliminary approval of The Village at Prominence Point subdivision, a 1 lot subdivision at approximately 1700 North and 200 East. The 1 lot subdivision is on 10.59 acres and is located in the R-4 zone.

The R-4 zone requires a minimum lot size of 8,000 square feet on interior lots and 9,000 square feet on corner lots with a frontage requirement of 80 feet. (Nursing home lots require an additional 500 square feet for each patient.) The property is currently vacant. This property was rezoned May 13, 2014 from C-2 to R-4 with a provision requiring that this property be developed as an assisted living center. The R-4 zone allows assisted living centers (nursing home) as a conditional use. A subsequent conditional use application is to be reviewed in an upcoming planning meeting. A technical review committee met on June 23, 2014. The applicant will need to comply with the requirements from the referral agencies. The overall layout of the subdivision provides appropriate access to the adjoining properties with a connection to Country Boy Estates on the west and Washington Boulevard on the east. The lot meets the minimum size and frontage requirements. There is an 8,032 square foot parcel (.184 acres) that will need to be annexed as part of the improvements to the intersection at 1700 North and Washington Boulevard. The City will approach Weber County about designating North Ogden City as the land use authority while this parcel is being annexed upon receipt of an annexation application. This property is within the Bona Vista Water District. This property will need to be de-annexed in order for North Ogden City to provide culinary water. At a future time a north/south street will need to be constructed to provide connectivity to the property to the north and south. The City Engineer has submitted a staff review dated July 8, 2014. There are comments regarding the plat, improvement plans, and culinary water, sanitary sewer, irrigation, trails, and general approval items. Each of these comments will need to be addressed as part of the final submittal. The memo offered the following Planning Commission consideration: does the proposed subdivision meet the requirements of the applicable City subdivision and zoning ordinances? The proposed subdivision meets the requirements of applicable North Ogden City ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as commercial. The memo also suggested the following conditions of approval: that the subdivision meet the requirements of the North Ogden City Engineer; meet the requirements of all referral agencies; process the annexation of property associated with the connection of 1700 North and Washington Boulevard; de-annex this property from the Bona Vista Water District; as part of the subdivision development agreement provide for a north / south street from 1700 North to the adjoining north and south properties. Staff recommends preliminary approval of this application for The Village at Prominence Point subdivision subject to the conditions from the North Ogden City Engineer, reviewing agencies, and the conditions of approval list in this report.

Mr. Scott summarized his staff report. City Manager Chandler offered additional information infrastructure service to the property and noted the City is taking a broad look at utility infrastructure and capability in the entire area rather than just for the subject property.

Commissioner Waite asked if the property located immediately to the south of the subject property is located in Harrisville. Mr. Scott answered no and indicated it is unincorporated Weber County property; he was previously under the understanding that the property was included in Harrisville's annexation master plan, but it is not so there is an opportunity for the City to seek to include the property in the North Ogden annexation master plan and declaration. He stated it may be appropriate to revisit that issue during the process of updating the City's General Plan. He then provided an overview of the City Engineer's report and reiterated it includes several recommended conditions of approval.

Commissioner Waite asked if there have been any discussions regarding the relationship between the subject property and the property to the east, which fronts Washington Boulevard. Mr. Scott stated staff has not had any communication regarding that property as far as its future intended use; the property is currently zoned Commercial C2.

Chairman Thomas referenced recommendations in the City Engineer's report and indicated the Engineer has asked that the Planning Commission define a few issues rather than refer them to him; the first issue is in recommendation #9 and relates to trail access and associated storm drain infrastructure and he asked for more information regarding that issue. Mr. Chandler reviewed the section of the City's Trails Master Plan that includes the area in question; there is no development in the area, but the plan upon development of the property is to provide a trail connection that would connect the trail system to a community park. He reviewed a map of the area and identified the locations of planned future trail systems. It is important to ensure appropriate trail easements are in place when subdivision plats receive final approval. Commissioner Waite asked if there will be any fencing requirements imposed on the developer. Mr. Chandler stated there will be no fencing requirements along the trail.

Commissioner Brown stated it may be difficult to dictate the future location of roads in the subdivision because of the varied zoning destinations and land uses for property surrounding the subject property. Mr. Scott agreed and stated transportation design will be a challenging issue relative to this development.

Chris Cave, Reeve and Associates, represented the applicant and indicated he does not have any issues or objections to the conditions contained in the staff report or the Engineer's report. He noted, however, that the Hancock property has been included in the calculations for the storm detention basin.

Chairman Thomas referenced property bordering the creek and asked if the parcel would be deeded separately. Mr. Cave stated that he has prepared a quit claim deed to sign that property over to the City, but he has wondered if it would be more appropriate to include the parcel on the plat along with the detention basin. There was a general discussion regarding the appropriate manner of dedicating the property to the City.

Chairman Thomas called for public input.

Lucy Fuller, 1651 N. 400 E., or P.O. Box 2807, Ketchum Idaho, stated she is not opposed to this application, but she is somewhat concerned about the varied zoning designations in the area of the subject property as well as the property she owns in the vicinity. Chairman Thomas stated that is not the subject of tonight's discussion. Ms. Fuller indicated that she is concerned about the zoning designations in the area and asked that the City consider that issue during their review of the General Plan.

There was a brief general discussion regarding the conditions recommended in the Engineer's report.

**Commissioner Barker made a motion to approve the Village at Prominence Point Subdivision preliminary plat, located at approximately 1700 N. Washington Boulevard, subject to the following conditions:**

- 1. That the recommended annexation application and de-annexation order are submitted by the applicant in order for North Ogden to provide culinary water to the development.**
- 2. That the plat show a trail easement on the west side of lot 1.**
- 3. That the developer provide an access point from 1700 North to 1900 North.**
- 4. That the developer provide a detention basin on the triangle piece of property on the southwest corner of the subject property.**

**Commissioner Russell seconded the motion.**

**Voting on the motion:**

<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>abstained</b>
<b>Commissioner Russell</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>abstained</b>
<b>Commissioner Waite</b>	<b>yes</b>

**4. DISCUSSION TO AMEND THE NORTH OGDEN CITY ZONING REGULATIONS REGARDING TEMPORARY BUSINESSES**

A staff memo from City Planner Scott stated when the Planning Commission is acting in as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes. On July 2, 2014 the North Ogden City Planning Commission discussed possible amendments to the city's temporary business provisions. Staff has made amendments to the code provisions based upon that discussion

- No changes to section 4-1-9 Temporary Businesses.
- Some additional language to 4-1-1 Definitions is provided and the time allowance for a temporary business has been modified from 95 consecutive days to 180 consecutive days.
- 11-10-23 the term outdoor retail sales is eliminated; it does not appear to be a viable use.
- 11-8A-S Special Regulations the phrase temporary businesses has been added under subsection A.
- Lastly, the list of uses for the commercial and manufacturing zones has been clarified to add temporary businesses to include Christmas tree sales, blanket stands, fireworks stands, food vendors, fruit store or stand, vegetable store or stand. The existing fruit store or stand and vegetable store or stand uses are deleted.

The memo summarized the application's conformance with the General Plan. This amendment should take into account its conformity to the following North Ogden City General Plan goals:

Commercial Development

New commercial and other business development will enhance the community when meeting the objectives of the General Plan. An improved standard of function, quality, and appearance is expected by the citizens.

(1) Implementation Goal: Commercial development must be required to develop projects that are designed for functionality, appearance and include significant physical enhancement to the community.

#### Community Aesthetics

(3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the city.

The memo offered the following potential Planning Commission consideration: are the draft amendments acceptable to the Planning Commission? Staff recommends that the Planning Commission review the draft ordinance language and give direction on any changes. Staff will prepare the final ordinance and set it for a public hearing.

Mr. Scott summarized his staff memo.

Chairman Thomas stated that he feels Mr. Scott and City staff have done a great job of capturing the Planning Commission's request relative to recommended revisions to the temporary business regulations.

City Attorney Call asked if Section 11-8A-7 of the proposed ordinance is a list that is meant to be exclusive or if it is meant to be an example of permitted uses. Mr. Scott stated he tried to think of a variety of permitted uses, but indicated the list is not meant to be exclusive. Mr. Call suggested that language be added to the section to reference additional uses determined appropriate by the Zoning Administrator; this language would offer flexibility. The Planning Commission agreed. Mr. Scott stated that he will make the change and bring the item back to the Planning Commission for a public hearing.

## **5. PUBLIC COMMENTS**

There were no public comments.

## **6. PLANNING COMMISSION/STAFF COMMENTS**

Commissioner Brown then stated in the last City Council meeting the City Council expressed concerns about the recommendation from the Planning Commission regarding beekeeping in the City; they disagreed with the recommendations made by the Planning Commission and she suggested that staff invite beekeeping experts to meet with the City Council to offer similar information that was provided to the Planning Commission as they made their decision regarding their recommendation. There was a general discussion regarding the concerns expressed by the



City Council relative to the Planning Commission's recommendation regarding beekeeping, after which Mr. Chandler noted that the item will be discussed by the Council again at their August 12 meeting and staff will work to provide more information to the Council at that time.

Chairman Thomas stated Mayor Taylor has asked that three Planning Commissioners volunteer to serve on the General Plan steering committee; he has volunteered for one of the positions and he asked that two additional Planning Commissioners do the same. The committee will be made up of two Council Members, the Mayor, three Planning Commissioners, staff, and local business owners. He stated he will try to find out the meeting schedule for the committee before finalizing the selection of two additional members. Mr. Scott then provided the body with an update regarding the steps that need to be taken in order to proceed with the General Plan update, after which there was a brief discussion regarding the purpose of the General Plan steering committee.

## **7. ADJOURNMENT**

**Commissioner Russell made a motion to adjourn the meeting. Commissioner Prisbrey seconded the motion.**

### **Voting on the motion:**

<b>Commissioner Barker</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Prisbrey</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Commissioner Waite</b>	<b>yes</b>

**The motion passed.**

The meeting adjourned at 7:39 p.m.

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Planning Commission Chair

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

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Date approved