

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

September 17, 2014

The North Ogden Planning Commission convened in a regular meeting on September 17, 2014 at 6:32pm 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 September 11, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on January 24, 2014.

COMMISSIONERS:

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| Eric Thomas | Chairman | |
| Don Waite | Vice-Chairman | |
| Scott Barker | Commissioner | |
| Joan Brown | Commissioner | |
| Blake Knight | Commissioner | |
| Steven Prisbrey | Commissioner | (Excused) |
| Dee Russell | Commissioner | |

STAFF:

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

VISITORS:

Ivan Barker
Charles Crippen

REGULAR MEETING

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

CONSENT AGENDA

- 1. CONSIDERATION TO APPROVE THE AUGUST 20, 2014 PLANNING COMMISSION MEETING MINUTES**

Vice-Chairman Waite made a motion to approve the consent agenda. Commissioner Russell seconded the motion.

Voting on the motion:

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| Chairman Thomas | yes |
| Vice-Chairman Waite | yes |
| Commissioner Barker | yes |
| Commissioner Brown | yes |
| Commissioner Knight | yes |
| Commissioner Russell | yes |

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

Ivan Barker, 177 W. 3325 N., stated that he would like to wish the Planning Commission luck on writing an ordinance regarding home occupations that maintains the residential value of the neighborhood. He stated he has neighbors that run businesses from their home and he barely knows that they are doing so. He concluded he has no objections to home occupations.

2. DISCUSSION AND/OR RECOMMENDATION TO AMEND ORDINANCE 11-16, HOME OCCUPATION, TO CLARIFY THE STANDARDS FOR THE ALLOWANCE OF ACCESSORY BUILDINGS/GARAGES

A staff memo from City Planner Scott explained when the Planning Commission is acting 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 June 4, 2014 the North Ogden Planning Commission (NOPC) directed Staff to investigate the home occupation standards exception for the allowance of garages. On August 20, 2014 the North Ogden Planning Commission discussed various options for making amendments to the home occupation exceptions allowing garages. Overall the NOPC felt comfortable with the staff report options presented; however, commissioners requested Staff to investigate several additional alternatives. On September 3 the NOPC further discussed the options for amendments to allowing garages as part of home occupations. The NOPC narrowed the options as listed below:

Options:

The next step is to integrate the above comments with the home occupation garage options.

1. Draft a purpose statement for the Home Occupation chapter.

Staff comment: A purpose statement will be drafted when the parameters for the amendments are identified.

2. Amend the ordinance to allow garages as an incubator business for a specific amount of time. Apply this amendment to both existing and future home occupations. Consider allowing an amortization period for existing home occupations with garages, e.g., allow a reasonable period of time to transition the use before it is eliminated.

Staff comment: The NOPC requested that this approach be narrowed to more intensive uses. To determine which uses are appropriate a beginning point is to review the uses from the M-1 zone. Attached is the list of uses from the M-1 zone. The M-1 zone has a list of permitted uses; conditional uses for the M-1 zone are the permitted uses in the C-2 zone. It is obvious that the vast majority of uses are not appropriate. The NOPC will review this list to determine those uses that may or may not fall into this category.

3. Identify garage uses that are specifically prohibited, e.g., auto repair and other more intensive uses.

Staff comment: The identification will take place in conjunction with the number 2 option.

4. Consider adding a standard limiting the size of the home occupation allowed within a garage, e.g., limiting the area to a percentage (25%) of the garage area or 300 square feet whichever is less.

Staff comment: The NOPC is interested in combining this option with the recognition that the zoning ordinance already requires a minimum of two parking stalls per dwelling unit. Language to insure that any garage home occupations will retain these parking stalls will be considered.

5. How does the City check on garage home occupations to make sure they are complaint?

Staff comment: The application will require that a site plan addressing the size and location standards will be required and as part of the business license renewal process an annual inspection will be made by the code enforcement officer.

The memo reviewed the applications conformance to the General Plan. The following sections from the General Plan should be considered as part of this decision process:

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.

Zoning and Land Use Policy:

(1) A definite edge should be established between types of uses to protect the integrity of each use.

(2) Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition.

Residential Guidelines:

(2) Avoid isolating neighborhoods.

The memo summarized the potential Planning Commission considerations this evening:

- What changes should be made to the home occupation provisions regarding exceptions to allow garages?

- Is the current exception language to allow garages consistent with the residential character provision of the ordinance?
- Does the General Plan support these amendments?
- What standard should be established to implement an incubator approach to allow garage home occupations, e.g., what is the appropriate time limit before the garage business transitions to a commercial location?
- Should some garage home occupations be eliminated, e.g., auto repair or other intensive uses.

Staff recommends that the Planning Commission discuss these options and give direction on how to proceed. Staff will bring back an ordinance to be discussed prior to setting a public hearing.

Mr. Scott reviewed his staff memo and noted he would like the Planning Commission to only focus on items three through five this evening. He asked for Planning Commission feedback regarding their feelings about the garage uses that should be prohibited or permitted within the proposed ordinance.

Commissioner Barker asked about home businesses where buildings could be constructed and moved off premises and stated it would take a very big garage to accommodate that kind of work. He asked what type of building could be built on a residential property and wondered if that would include storage sheds. There was a brief general discussion about Commissioner Barker's question, with Commissioner Knight clarifying staff is simply trying to get feedback from the Commission regarding which types of business activities should be permitted or prohibited in a residential garage. Mr. Scott agreed. The Commission had a general discussion regarding the list of uses contained in the staff report, with Vice-Chairman Waite stated there will be difficulty in singling out certain uses as prohibited while allowing other uses.

Commissioner Knight agreed and stated it may be possible to permit all uses listed in the staff report and allow applications for any given use to be considered on a case-by-case basis to determine if it meets City ordinances and can be carried out on a residential property. He added that the proposed incubation period can be used as an enforcement tool after a home occupation business license has been approved. Commissioner Brown stated she is not convinced an incubation period is appropriate; many people seeking approval to conduct a business from their home have no intention of growing the business and the incubation period requiring them to eventually move from their home will be detrimental; residents should have the right to operate a business from their home as long as they are complying with the provisions of City Code and are not obnoxious to their neighbors. Commissioner Knight stated the problem is that many neighbors have expressed that a home business is bothering them and he asked who is responsible to determine if a home business is actually bothersome. Commissioner Brown stated that Mr. Baguley's business is the only home based business in the City that has been attacked and she feels it is for reasons other than the impact his business has on the neighborhood; she concluded the problem is a result of a personal issue. Chairman Thomas stated the Planning Commission needs to make decisions based on what is best for the entire City, not just one business or individual. Commissioner Brown agreed, but noted she does not feel the situation surrounding Mr. Baguley's business should be the catalyst for making sweeping changes to the home occupation ordinance and implementing an incubation period for certain types of home businesses. There was a general discussion regarding manufacturing-type businesses in home

garages, with Chairman Thomas stated the goal of the Planning Commission is to determine if there should be limitations placed on garage businesses and if certain uses should be prohibited. He indicated he would like to avoid the problems that have occurred in the City in the past. Commissioner Brown stated that she feels the decision should be whether to allow garage businesses or not allow them; she does not want to try to create a list of permitted and prohibited uses for garages. Mr. Scott stated the focus of the Planning Commission should be on the purpose of allowing home occupation businesses in the City rather than the conflicts and differing opinions that have arisen between licensees and their neighbors. He stated that home occupations have already been prohibited in accessory buildings in the City and the Planning Commission is being asked to determine whether they should be prohibited in garages as well. The debate and discussion regarding options for addressing garage based home occupation, with a focus on permitted uses, continued, with the Planning Commission ultimately concluding to recommend that home occupation business licenses expire every two years to give the City the opportunity to review and consider whether the licensee is still complying with City Code and the conditions of their permit or whether additional conditions should be added to the license. Chairman Thomas stated this recommendation would take the place of an incubation period. He then stated there are four conditional use permits (CUPs) for garage based businesses and he wondered if the expiration period should be applied to those existing businesses. There was a discussion regarding the restrictions placed upon automobile repair businesses, with Mr. Scott noting that if the City receives complaints about a violation of City Code or the CUP for a garage based business, staff has the opportunity to recommend the CUP be reviewed at that time rather than waiting until the expiration date of the license. Commissioner Knight stated he would also like to ensure that all parking requirements are met and not infringed upon by a garage based business. Mr. Scott stated that consideration will be included in the final proposal made to the City Council. He stated he will take the feedback provided during this discussion and work with City Attorney Call to develop a proposed ordinance.

3. PUBLIC COMMENTS

There were no public comments.

4. PLANNING COMMISSION/STAFF COMMENTS

Mr. Scott briefly reviewed the status of the process to select a consultant to assist the City with its General Plan update.

Chairman Thomas asked Mr. Scott if the City has received an application to locate an indoor gun range inside a vacant building at the King's Plaza. Mr. Scott stated he has had discussions with a property owner about amending the City ordinance to allow indoor gun ranges, but he has not seen an application for such a land use. He then explained the City's Economic Development Consultant has published a request for proposals for the redevelopment of the King's Plaza.

5. ADJOURNMENT

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

Voting on the motion:

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| Chairman Thomas | yes |
| Vice-Chairman Waite | yes |
| Commissioner Barker | yes |
| Commissioner Brown | yes |
| Commissioner Knight | yes |
| Commissioner Russell | yes |

The motion passed.

The meeting adjourned at 7:37 p.m.

Planning Commission Chair

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

Date approved