

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

November 5, 2014

The North Ogden Planning Commission convened in a regular meeting on November 5, 2014 at 6:30pm 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 October 31, 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 |
| Dee Russell | Commissioner |

STAFF:

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

VISITORS:

| | | | |
|-----------------|---------------|---------------|----------------|
| Gunnar Langhus | Ron Ziebart | John W Hansen | Chris Anderson |
| Brenda Ashdown | Keith Ashdown | Alex Wolfe | |
| Andrew Thompson | Sue Rounkles | Lindee Bess | |

REGULAR MEETING

Chairman Thomas called the meeting to order at 6:31pm. Vice-Chairman Waite offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

- 1. CONSIDERATION TO APPROVE THE OCTOBER 15, 2014 PLANNING COMMISSION MEETING MINUTES**

Commissioner Brown made a motion to approve the consent agenda. Commissioner Prisbrey 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 Prisbrey | yes |
| Commissioner Russell | yes |

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

Sue Rounkles, 246 E Lomond View Dr, stated that she lives on Lomond View Drive and recently she got the first letter she has ever received regarding the Public Works Facility project. This is the first time she has been given information or invited to a meeting and the first time she and her neighbors heard of the project was after the property had already been purchased. She stated she talked to the Public Works Department about the issue and they told her that they did not need to talk to her about the land because it was in Weber County and not in North Ogden City and that the project was already said and done. She stated that just because she does not live on the hill does not mean that she should not be informed about a project. She noted she understands a new Public Works Facility is needed and she is not opposed to such a project, but she is upset that she and her neighbors were ignored; they have lived there for over 20 years and her property value will be diminished by the project and her input was not taken into consideration at all. She then noted each year she has received a letter indicating that the area had been deemed a crucial watershed area and that the residents needed to be careful when using pesticides and herbicides. She stated she is concerned that a crucial watershed area could be deemed suitable for the Public Works Facility and she sent an email to the Mayor expressing that concern and she was told that the City has heard nothing about the declaration of the property being a crucial watershed area. She noted she has provided the City a copy of the letter and also asked for a copy of the environmental impact statement for the property and she has not received that information. She stated that she feels slighted and this is not the first time that has happened; when a dental office was built at the end of her street she and her neighbors packed the room with people opposing the project and the project was approved though only two people supported it. She stated it seems that decisions have been made before a meeting is held and she feels the same is true tonight. She stated her neighborhood is a beautiful area and she and her

neighbors like its rural feel and it would have been nice if they would have been given the opportunity to provide input. She stated she is very bothered by the way the project has happened and she invited the Planning Commission to come to her property and see how the project will impact her lifestyle and property values. She stated she would like to know if the area is truly a crucial watershed area or not.

2. PUBLIC HEARING TO RECEIVE COMMENTS TO AMEND ORDINANCE 11-10, REGULATIONS APPLICABLE TO MORE THAN ONE ZONE TO CLARIFY SETBACK STANDARDS FOR LOTS THAT HAVE A SLOPE GREATER THAN 10%

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. The North Ogden City Planning Commission on October 15, 2014 discussed an amendment to allow a front setback reduction from 30 feet to 20 feet on lots having an average slope above 10 percent. The Planning Commission discussed the implications of allowing this amendment including the potential change of street character and how developers may take advantage of this provision in subdivision design. They determined to proceed with a public hearing on this matter and by adding a standard for how the average slope is measured. North Ogden City has received two variance requests to reduce the front setback on steep lots. The basis for granting these variances has been that the lots will require excessive retaining walls, cut and fill, would improve erosion control conditions for the lots and abutting neighbors, and reduce the usable area for the lots. When there are a sufficient number of variance requests granted to handle a similar situation then an ordinance amendment should be considered. Steep slopes are generally more difficult and expensive to build upon. Additionally, this will lessen the amounts of cuts into the toes of hillside lots and provide for more stability and by having fewer grading cuts and fills. This will lessen the amount of hillside that will be subject to erosion. North Ogden City's ordinances require a 30 foot front setback. This is measured from the front property line which is usually one foot back of the sidewalk. The front setback also needs to provide for utility easements and driveways to access parking. By allowing a reduction on steep sloped lots this can still be accommodated by granting a 10 foot reduction of the front setback. Lots that have an overall slope of 10 percent or greater should be allowed to take advantage of this provision.

The memo explained the following sections from the General Plan should be considered as part of this decision process:

Slope

When developing houses and other facilities, it is important to consider the gradient or steepness of the land (i.e., the slope). Most people recognize that building on a flat area is easier and less costly than building on steeper areas. This information is particularly important to community leaders since infrastructure such as roads and sewers become more difficult to construct and maintain in areas steeper than 10 percent. In addition, steeper slopes are more prone to hazards such as landslides, rock falls, and debris flows. The Slope Inventory Map indicates differences in

the slope of the land within North Ogden. For this project, slope has been grouped into four categories: 0 to 10 percent, 11 to 20 percent, 21 to 30 percent, and over 31 (31+) percent. A 10 percent slope means that for every 100 feet traveled horizontally, the elevation rises 10 feet. The Slope Constraints Map depicts the slope-related constraints to development. Areas within the 0 to 10 percent slope category are considered to pose "slight constraints" on development while areas within the 11 to 20 percent slope category are considered to pose "moderate constraints" on development. Areas within the 21 to 30 percent and 31+ percent slope categories are considered to be "non-developable lands" since development may be unsafe, unsightly, or substantially more expensive to implement. In fact, existing City ordinances prohibit development on slopes steeper than 20 percent.

The memo concluded the suggested improvements for the City of North Ogden Zoning Ordinance include the following:

(2) Modify the Zoning Ordinance to require all development to design projects around sensitive lands and hazards.

The memo summarized the following potential Planning Commission considerations:

- Should the setback standards for lots be reduced from 30 feet to 20 feet on lots having an overall slope of 10 percent?
- Does the General Plan support these amendments?

Mr. Scott reviewed his staff memo and stated staff recommends approval of the proposed ordinance amendments.

**Commissioner Knight made a motion to open the public hearing at 6:46 p.m.
Commissioner Prisbrey 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 Prisbrey | yes |
| Commissioner Russell | yes |

The motion passed.

There were no persons appearing to be heard.

**Commissioner Brown made a motion to open the public hearing at 6:47 p.m.
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 Prisbrey | yes |
| Commissioner Russell | yes |

The motion passed.

3. DISCUSSION AND/OR RECOMMENDATION TO AMEND ORDINANCE 11-10, REGULATIONS APPLICABLE TO MORE THAN ONE ZONE TO CLARIFY SETBACK STANDARDS FOR LOTS THAT HAVE A SLOPE GREATER THAN 10%

Commissioner Barker inquired as to how the measurement from the front to the back of a property line will be taken. Mr. Scott stated the intent is to take the measurement using a straight line and if the Planning Commission is comfortable with that intent, he will work with the City Attorney to develop language that appropriately communicates that intent. There was a brief discussion regarding the appropriate measurement technique to be used.

Chairman Thomas then asked if a 10 percent grade is sufficient to make the proposed ordinance change or if the grade should be steeper. He referenced previous variance requests and noted they were for lots with grades closer to 30 percent. Commissioner Knight stated staff has expressed safety concerns regarding lots with grades steeper than 10 percent and he inquired as to who will be responsible to determine whether the lot is safe when granting a permit or a variance. Mr. Scott stated the City's General Plan includes a fairly extensive section regarding lot slopes and indicates the type of constraint that must be used for certain slopes, noting that anything above 30 percent is non-developable.

Commissioner Knight asked if the depth of the lot will have anything to do with whether there will be a need to reduce the setback. Mr. Scott stated the setback is irrespective of the size and depth of a lot.

Discussion regarding the appropriate measurement method continued, with Commissioner Knight stating that he is hopeful the staff and Planning Commission have been mindful of how this proposed ordinance could impact other ordinances or land use regulations.

Chairman Thomas asked if there are any pending variance applications that would be affected by this proposed ordinance. Mr. Scott stated there are no pending variance applications. Chairman Thomas stated he would prefer to table consideration of the proposed ordinance and have a follow-up discussion in the future accompanied by photographs of actual properties that could potentially be impacted by the proposed ordinance. Mr. Scott stated he would be willing to create graphics that would illustrate the intent of the ordinance. Chairman Thomas stated that a

public hearing will not be held the next time the ordinance is discussed, but the Planning Commission will still accept any public input during the meeting.

4. DISCUSSION AND/OR ACTION TO APPROVE A CONDITIONAL USE PERMIT FOR CANYON VIEW SENIOR LIVING, AN ASSISTED LIVING CENTER, LOCATED AT APPROXIMATELY 1700 N 200 E

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 brief background of the project, noting the applicant is requesting the approval of a Conditional Use Permit for Canyon View Senior Living, an assisted living center. The City Council on May 13, 2014 approved the rezoning of this property to R-4 to allow this use on a portion of the applicant's property. A development agreement was approved requiring this property to only be developed for an assisted living center. The R-4 zone requires this use obtain a conditional use permit. A companion subdivision application (The Village at Prominence Point) received final approval from the Planning Commission but it has not been recorded. Building permits will not be issued until the subdivision is recorded. The memo reviewed the applications compliance with the development agreement for the property as well as technical review comments as follows:

ZONING ORDINANCE COMPLIANCE

11-7H (Multi-Family Residential Zone R-4)

The property is in an R-4 zone; nursing homes/assisted living centers are a conditional use. The proposal consists of a main building that includes living quarters, support facilities including an office, cooking facilities, and eating area. Surrounding the main building are 23 patio homes. The site plan has a walking trail on the west side that connects to the city trail system. The site plan will need to be revised so that the internal trail system connects to the city trail system. Also the east west trail that goes along the north boundary will need to be fenced. The assisted living center building is 115,939 square feet and occupies 17% of the site. The building is a combination of one and two stories with the highest point being 31 feet (maximum is 35 feet). The building materials consist of cementitious panel siding, wood trim, vinyl windows, decorative wood trim, simulated stone chimneys and columns, and asphalt shingles. The colors are a two tone brown. The 23 patio homes are single story; most have two units with common walls. The architecture and materials are similar to the assisted living center. The site development standards for the R-4 zone regarding exterior setbacks have been met. The separation between some of the patio homes is a concern. They range from the narrowest separation of 7 feet to the largest at 16 feet. The smaller separation is somewhat accounted for by some of the building angles that provide a wider separation at the rear of the dwellings. There are no windows on the sides of the buildings. In some cases the buildings could be moved toward the rear to provide for an additional separation. The area requirement has been met; there are 145 projected residents in the main building and 46 potential residents in the patio homes for a total of 191 residents. The area requirement is 103,500 square feet.

11-14-1: PURPOSE AND INTENT:

The purpose and intent of conditional uses permits is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or CUP upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. (Ord. 2002-07, 5-28-2002). A conditional use shall be approved if reasonable conditions are proposed, or can be proposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonable anticipated effects of a proposed conditional use cannot be mitigated by the proposal of the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (Ord. 2006-08, 9-5-2006)

11-14-5: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:

A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general wellbeing of the community. (Staff comment: The assisted living facility provides an additional housing choice for the community.)

B. Such use will not, under the circumstances of the particular case and the condition imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures. (Staff comment: This report addresses some needed changes to the site plan. As a whole the plan is compatible with surrounding uses.)

C. The proposed use will comply with the regulations and conditions specified in this title for such use.

(Staff comment: The proposal can be made to comply with city ordinances with the recommended changes.)

D. The proposed use conforms to the goals, policies and governing principles of the master plan for the city. (Ord. 2002-07, 5-28-2002) (Staff comment: The proposal is consistent with the North Ogden General Plan.)

11-10-11 FENCE HEIGHT REGULATIONS: Fencing will need to be more clearly defined on the plan. All fences must meet the standards in this code section and clearly shown on the site plan.

11-10-13: EXTERIOR LIGHTING: Any exterior lighting must meet the standards in this code section.

11-10-25: TRASH ENCLOSURES: There are no identified trash enclosures shown on the site plan. These need to be shown on the site plan and meet the code standard.

11-17 (Parking and Loading; Traffic Access)

11-17-2: GENERAL REGULATIONS

The parking requirement is 1 space per 4 beds for the assisted living center and 2 spaces per patio home. The main building has a total of 145 beds. At one stall per 4 beds the requirement is 37 spaces. The 23 patio home requirement is 46 spaces. The total required is 83 spaces. The site has a total of 104 spaces. Parking spaces are shown at 9 feet wide by 20 feet in depth thus complying with the ordinance. The ADA parking stalls will need to be modified to 11 feet in width with an additional 5 feet wide access aisle. The 5 ADA stalls is sufficient. The 23 patio homes have 1 parking stall per unit with access to the excess parking surrounding the main building. The driveways to the patio homes need to be a minimum of 20 feet in depth. This will require some modification to some of the patio homes.

11-17-3C Design and Location of Parking Spaces

There are 13 provisions in this section. They deal with construction standards, landscaping, screening, lighting, and additional ADA, and other design standards. Curbing must be in place along the driveway and parking spaces. Parking lot lighting shall not exceed five foot candles. Light standards can be a maximum of 20 feet in height.

11-17-10: PARKING LOT LANDSCAPING:

The requirement for landscaping within parking lots is 5% of the interior parking lot must be landscaped.

The standards for trees are one tree for each 10 spaces. Parking lot landscape areas are to be a minimum of 20 feet in width. There are standards for the location and for planting types. Each of these will need to be demonstrated on a more detailed landscape plan.

The memo then noted the 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. The memo also summarized potential Planning Commission considerations as follows:

- Does the proposed use meet the requirements of the applicable City Ordinances including meeting the basis for a conditional use permit?
- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval; and if so, what are the appropriate conditions?
- Have the various Staff comments been addressed to the satisfaction of the Planning Commission?
- Are the architecture and building materials appropriate?

The memo concluded by offering the following conditions of approval:

- Compliance with North Ogden Zoning Ordinance.
- Compliance with any reviewing agency requirements/technical review July 2, 2014.
- Submit a revised landscape plan showing the trail systems being connected. Show a buffer or fencing along the east west trail on the north boundary.
- Clearly identify all fenced areas.
- Revise the site plan to increase the separation between the patio homes to a minimum of 10 to 16 feet.
- Locate trash enclosures and submit a design plan.

- Parking lighting will need to be shown as to the location, brightness, light pole and fixture design
- Submit details for the parking lot landscaped areas with a minimum width of 20 feet.

Mr. Scott reviewed his staff memo and he reviewed the site plan for the project and described the purpose for the various buildings included on the site plan. He noted staff recommends approval of the application subject to the conditions of approval.

Commissioner Russell inquired as to whether one side of the trail will be fenced. Mr. Scott stated there is a canal that runs adjacent to the trail and there will be a fence between the two uses; the applicant is working with the City's Parks and Recreation Department to determine an appropriate design for the fencing. Commissioner Russell stated he would like more information from the applicant regarding the areas of the subject property that will be fenced.

Ron Ziebart stated that he is the owner and developer of the project, 1900 Pine Street, Salem, Oregon. He stated that staff has provided a good overview of the project and he feels the spirit of cooperation between his staff and City staff has been wonderful. He concluded that he would like to begin construction on the project early in the spring of 2015 and he asked his architect, Gunnar Langhus to provide additional information regarding the site plan and answer any technical questions the Planning Commission may have.

Mr. Langhus, 6700 South West McAdam, Portland, Oregon, used the aid of a PowerPoint presentation to review three-dimensional images of the proposed project and he identified the various buildings that will be constructed on the property as well as the location of a park and trail routes. He reviewed the parking and landscaping plans for the project as well as the proposed elevations of the buildings. He also reviewed photographs of similar projects that he and Mr. Ziebart have completed in other communities.

Mr. Scott asked Mr. Langhus to illustrate the point on the property where the transition from single story to two-story buildings will occur. Mr. Langhus referenced a slide in his presentation and noted the memory care facility will be single story in nature.

Mr. Langhus then identified the location of the nature trail that will run adjacent to the canal; in his mind the canal is an amenity that trail users would like to be able to see when they are on the trail and for that reason he has not included fencing on his plans. He noted if the City decides to require a fence between the trail and the canal, that can be accommodated. He added there is property adjacent to the subject property that is yet to be developed and he would prefer not to install a fence between the two properties and, instead, provide a landscaping buffer between the two properties. Building Official Kerr added that other properties in the area are zoned for commercial development and when such development occurs, the developer will be required to install a six-foot fence between the conflicting land uses.

There was a brief discussion regarding setbacks throughout the development and the fact that some driveways will not be 20 feet in length, after which Mr. Ziebart noted he has done several cottage style developments in the past and there are very specific parking regulations included in the rental agreements for those units that cannot meet the setback provisions of the city in which

they are located. He stated he has never had a problem with those types of units in the past. Mr. Langhus briefly identified the units in the development that will not have a 20 foot driveway and he addressed the conditions of approval listed in Mr. Scott's staff report. He noted that the majority of the findings have been addressed and he asked that the Planning Commission include in their motion direction that he work with the Parks and Recreation Department to identify trail system connections. Mr. Scott stated that it is his opinion that the condition of approval regarding trail connectivity has been met because the northwest corner will connect to the trail system. Chairman Thomas stated that the site plan that is being considered by the Planning Commission tonight needs to include accurate representation of the proposed trail connections. Mr. Langhus then addressed the condition regarding fencing and stated that he has already expressed his desire regarding fencing along the trail and nearby canal. Chairman Thomas noted that there is an existing split rail fence between the trail and the canal to the west of the subject property and he assumes the Parks and Recreation Director would like to see that type of fencing continued on the subject property; such a fence would not obstruct the view of trail users. Mr. Langhus stated that he would be willing to accommodate that request and install split rail fence along the canal as well as the north boundary of the property. Chairman Thomas stated he would suspect it would only be necessary to continue the fence along the canal, which continues north past the subject property. Mr. Langhus stated he is comfortable with that requirement. He then addressed the condition relative to increasing the distance between patio homes, noting that the design of the patio home layout complies with building and fire codes. The Planning Commission reviewed the site plan and found one location where the distance between two patio homes is less than 10 feet. Mr. Scott stated the design is acceptable, but distance between homes is a discretionary issue for the Planning Commission. The Commission concluded they were comfortable with the design and the spacing between the patio homes. Mr. Langhus then referenced the condition regarding parking lot lighting and he provided a description of the type of light poles and bulbs that will be used. He concluded he will address the condition regarding landscaping, which will result in a loss of two parking spaces on the property.

Mr. Kerr then inquired as to the time frame for completing the 1700 North road extension. Mr. Langhus stated the street design has been finalized. Mr. Ziebart noted that he has no intention of beginning work on the development project until the 1700 North extension project is completed.

Chairman Thomas invited public input regarding the application.

Jim Flint stated that he has submitted his plans to the City Engineer and he has basically given approval of the plans for the 1700 North road extension project.

Chairman Thomas called for a motion.

Commissioner Barker made a motion to approve a conditional use permit and site plan for Canyon View Senior Living, an assisted living center, located at approximately 1700 N. 200 E., subject to the conditions listed in the staff report and subject to the following additional conditions:

- **Applicant will be required to install a split rail fence between the trail and canal located on the subject property;**

- Applicant is granted approval of reduced setbacks for two cottages on the property with 15-foot driveways.
- Applicant is granted approval relative to the proximity of two patio home units located on the northwest side of the development.

Commissioner Knight seconded the motion.

Commissioner Prisbrey disclosed that he works for John Hansen, who is a broker involved in this project, but he has not personally been involved in the project himself and feels he can vote on the application in a non-biased fashion.

Chairman Thomas noted that he owns property immediately west of the subject property and will abstain from voting on the application.

Voting on the motion:

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

The motion passed.

5. DISCUSSION AND/OR ACTION TO APPROVE A SITE PLAN APPLICATION FOR THE GREYSTONE OFFICE BUILDING, LOCATED AT APPROXIMATELY 2120 N WASHINGTON BOULEVARD

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 applicant is requesting the approval of a site plan review for the remodel of the Greystone office building. The remodel consists of changing the front elevation of the building by adding a new vestibule, constructing a garage, and redoing the parking lot. The memo reviewed the applications compliance with the City’s zoning ordinance, noting this property was developed using Weber County’s A-1 Agriculture standards. The Planning Commission will be considering how to bring this property to a reasonable standard meeting the intent of the North Ogden Zoning Ordinance: 11-8 (Commercial Zone C-2) -Professional office is a permitted use in the C-2 zone.

11-10-27 (Site Plan Approval Required)

The Greystone project is required to be reviewed by the Planning Commission. The office building is a two story 8,670 square foot building. The garage is 1,496 square feet.

11-8D (Design Standards for Commercial Development)

The vestibule and garage elevations are found in Exhibit C and Exhibit D. Both buildings have a combination of split block, cement siding, rock face, and asphalt shingles. Colors will be provided at the Planning Commission meeting.

North Ogden Zoning Ordinance 11-10-13: (Exterior Lighting)

All exterior lighting must be shielded in order to not penetrate onto the adjoining lots. 11-17-(10) has the standards for lighting.

11-10-25: (Trash Enclosures)

Any trash bin will need to comply with this provision. They are to be constructed of solid or ornamental pierced masonry walls with solid concrete floor. They must be of sufficient height to screen the garage bin; at least 4 feet in height. They must have a gate and are not allowed in the front or side yard of the lot.

11-17 (Parking and Loading; Traffic Access)

11-17-3 (Design and Location of Parking Spaces)

11-17-4 (Schedule of Required Off Street Spaces)

Business offices have a standard of 4 stalls per thousand square feet of office space. The business office is 8,670 square feet and requires 35 stalls. The office plan shows 46 stalls and 2 handicapped stalls. The garage has 6 stalls for a total of 54 stalls.

11-174 (Parking Lot Landscaping)

There is no change to the parking lot landscaping.

11-22 (Sign Regulations for all Zones) - There are no sign changes submitted at this time.

The memo explained the application conforms to the North Ogden City General Plan due to its being compliant with the spirit of 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. The memo then offered a summary of potential Planning Commission consideration(s): does the proposed use meet the requirements of the applicable City Ordinances? The memo suggested the following conditions of approval:

- Compliance with North Ogden Zoning Ordinance
- Compliance with any reviewing agency requirements

The memo concluded staff recommends approval of the Greystone office building renovation with the following conditions:

- Review of the proposed colors by the Planning Commission
- Identify the trash enclosure on the site plan.
- Provide for exterior lighting that meets code as part of the building permit review.

Applicant Chris Anderson addressed the Planning Commission and noted the trash receptacles on site will be located between the garage and main building.

Vice-Chairman Waite inquired as to what the garage will be used for. Mr. Anderson stated it will be used for storage purposes and he will do the best he can to ensure the garage matches the existing building as much as possible. He reviewed the proposed elevations for the project and identified building materials to be used.

Commissioner Knight made a motion to approve a site plan application for the Greystone Office Building, located at approximately 2120 N. Washington Boulevard, with the condition that any trash enclosure used on the site comply with City ordinances. Commissioner Prisbrey 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 Prisbrey | yes |
| Commissioner Russell | yes |

The motion passed.

6. DISCUSSION AND/OR ACTION TO APPROVE A SITE PLAN APPLICATION FOR THE NORTH OGDEN PUBLIC WORKS BUILDING, LOCATED AT APPROXIMATELY 162 E PLEASANT VIEW DR

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 applicant is requesting the approval of a site plan review for the North Ogden City Public Works Facility. The property owner is in the process of annexing this property. Weber County and North Ogden City have approved an Interlocal Agreement designating North Ogden City as the land use authority while the property is being annexed. Although the existing zoning is A-1 the anticipated zone will be RE- 20. Those standards are being applied to this review.

ZONING ORDINANCE COMPLIANCE

This property was developed using Weber County's A-1 Agriculture standards. The Planning Commission will be considering how to bring this property to a reasonable standard meeting the intent of the North Ogden Zoning Ordinance:

11-7A (Suburban Residential Zone RE-20) - Public buildings is a permitted use in the RE-20 zone.

11-10-27 (Site Plan Approval Required)

The North Ogden Public Works facility is required to be reviewed by the planning commission. The proposal is for a public works facility that includes an office, shop, green house, and outdoor storage. There is an identified wetland on the property. (Exhibit A) The office building is a single story 4,992 square foot reddish brick building fronting on Lomond View Drive. It has additional truck parking in the basement. The shop is 21,100 square feet. It is located in the middle of the property and has access to both Lomond View Drive and Pleasant View Drive. The shop will be constructed of a combination of CMU split block at the base with metal siding above. The office building is approximately 25 feet in height and the shop building is approximately 30 feet in height. The site plan does not currently provide for curb, gutter, and sidewalk. The City Council will need to determine if a deferral is appropriate. Second, the wetland along Pleasant View Drive may necessitate a curvature of the curb, gutter, and sidewalk.

11-10-11 (Fence Height Regulations)

The property will be enclosed with security fencing as shown in Exhibit B. The fence on Pleasant View Drive will need to have a 30 foot setback. The driveway that accesses Pleasant View Drive is required to have an 8 foot solid masonry or solid material fence where it adjoins the property to the north. The Planning Commission may approve other materials and the 8 foot height requirement is subject to the fence ordinance in 11-10-11.

North Ogden Zoning Ordinance 11-10-13: (Exterior Lighting)

All exterior lighting must be shielded in order to not penetrate onto the adjoining lots. 11-17-3(10) has the standards for lighting.

11-10-25: (Trash Enclosures)

The trash bins will need to comply with this provision. They are to be constructed of solid or ornamental pierced masonry walls with solid concrete floor. They must be of sufficient height to screen the garage bin; at least 4 feet in height. They must have a gate and are not allowed in the front or side yard of the lot.

11-17 (Parking and Loading; Traffic Access)

11-17-3 (Design and Location of Parking Spaces)

The applicant has submitted plans that address this section of the ordinance.

11-17-4 (Schedule of Required Off Street Spaces)

The business office has a standard of 4 stalls per thousand square feet of office space. The business office is approximately 5,000 square feet and requires 20 stalls. The office has 19 stalls and 2 handicapped stalls. There is not a specified standard for the shop. The city planner can determine the appropriate number for the shop. There are 14 stalls within the shop compound. There are 16 employees in the Public Works Department. This is sufficient.

11-174 (Parking Lot Landscaping)

The standards for parking lot landscaping are met in Exhibit C.

11-22 (Sign Regulations for all Zones) - The applicant will submit a sign permit at a later date.

The memo explained the above described application conforms to the North Ogden City General Plan due to its being compliant with the spirit of 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. The memo then offered the following potential Planning Commission consideration(s): does the proposed use meet the requirements of the applicable City Ordinances?

The memo then suggested the following conditions of approval:

- Compliance with North Ogden Zoning Ordinance
- Compliance with any reviewing agency requirements

The memo concluded by noting staff recommends approval of the North Ogden City Public Works site plan with the following conditions:

- Provide fencing along the north property line that abuts the driveway from Pleasant View Drive.
- Provide the required trash enclosure, unless a waiver is obtained.
- Provide for exterior lighting that meets code as part of the building permit review.
- Obtain a deferral from the City Council for curb, gutter, and sidewalk. Acknowledge that the curb, gutter, and sidewalk will possibly need to avoid the wetland along Pleasant View Drive.

Mr. Scott reviewed his staff memo as well as the site plan to orient the Planning Commission to the layout of the facility upon the subject property. He also reviewed the various elevations for the project.

There was a brief discussion regarding the need to defer the requirement for the installation of curb and gutter along Lomond View Drive, with Mr. Scott noting such deferral will need to be considered by the City Council just as deferral requests for private properties are considered.

Vice-Chairman Waite referenced the site plan and noted the lower left hand corner is shown as part of the property, but it is not included on the landscape plan or other plans. Mr. Kerr noted the City is not planning on making any improvements on that portion of the property. Commissioner Russell asked if there are any plans to use the property in the future. Mr. Kerr stated there are no current plans for the property, but it could be available for future use. Mr. Scott noted that the Planning Commission can recommend the area be landscaped. Mr. Kerr noted there is a well in that location that is owned by a private resident and City Administration is working to negotiate the relocation of that well.

Commissioner Russell noted that the landscaping plan includes trees on the west side of the property, but only fencing on the east side of the property that is most visible by nearby residential properties. Mr. Scott stated that area will be used for open storage. Commissioner Russell suggested that trees or other screening method be used on the east side of the property. Mr. Kerr added that if the City chooses to build a building in that area in the future, the 10-foot setback requirement will be enforced. Chairman Thomas stated that even though the property upon which the Public Works Facility will be built is a residential property, it is a commercial use and he would recommend that the City be required to install an eight foot solid fence to

buffer between the commercial use and adjacent residential properties. Commissioner Brown agreed, as did Commissioner Russell. The Planning Commission and staff had a general discussion regarding appropriate fencing requirements, with Mr. Scott stating it is within the Planning Commission's purview to send the application back to the City Administration and require them to complete the site plan and comply with all City ordinances relative to things like trash receptacle screening and fencing.

Commissioner Knight asked if there was a public hearing regarding this application. Mr. Scott stated the land use is permitted. He noted there was an extensive public outreach process relative to the project. City Attorney Call added there is no requirement for a public hearing relative to the construction of public buildings, but there were public hearings held prior to the purchase of the property and the selection of a contractor for the project.

The Planning Commission agreed to refer the application back to City Administration to ensure the City is complying with the same development standards that a private citizen would be required to comply with. Mr. Scott stated he will inform Public Works Director Giles and other members of City Administration of the recommendations of the Planning Commission. Commissioner Brown added that she would like for members of Public Works staff to attend the next meeting during which the application will be discussed in order to answer any questions the Planning Commission may have.

Chairman Thomas invited public input regarding the application.

Brenda Ashdown, 193 E. Pleasant View Drive, stated she lives east of the driveway of the Public Works property that will access Pleasant View Drive. She stated that the project is being built on Weber County property for North Ogden City and she asked if the City has permits from Weber County for the project. Chairman Thomas stated that the City has an interlocal agreement with Weber County that enables the City to act as the governing body for the property while it is in the transition of being annexed into North Ogden. Ms. Ashdown then stated that she feels the City should be required to screen and enclose the trash receptacle area. Chairman Thomas noted that is one of the requests the Planning Commission will make of City Administration. Ms. Ashdown then stated that she has been told that trucks will exit the property onto Lomond View Drive rather than Pleasant View Drive and she asked if there will be something in writing to enforce that or if she was just told that to please her. Mr. Kerr stated the design is for trucks to travel on Pleasant View Drive and the cars accessing the office space will enter and exit from Lomond View Drive. Ms. Ashdown stated that as trucks exit the property onto Pleasant View Driveway, their headlights will shine directly into her front bedroom window. She stated her home has been there since 1922. She noted the notice she received in the mail today is the first notice she has received from the City regarding the development of the property and she was told that the residents did not need to be informed because the property is located in Weber County. She then asked why the foundation of the buildings have been poured if the Planning Commission has not yet approved the site plan. Chairman Thomas stated that is news to him. Ms. Ashdown stated that three of the buildings have been started. She then noted that there are problems with addressing of properties on the street and she asked who she can speak with to correct those addressing problems. Mr. Kerr stated he can help Ms. Ashdown with that problem. Ms. Ashdown then stated that a separate complaint she has is that she and other residents in the

area have emailed the Mayor and City Council Members several times and have received no response; that is part of the reason they are here tonight and are so upset. She stated she and the other residents feel that no one at the City cares about them. Vice-Chairman Waite asked Ms. Ashdown if she has attended a City Council meeting. Ms. Ashdown answered yes and noted that she has talked to the Mayor and City Council Members face to face and she has not received a response.

Keith Ashdown, 193 E. Pleasant View Drive, stated that he has been made promises by Council Members regarding the landscaping of the Public Works Facility property as well as the wetlands on the property. Chairman Thomas stated the property is not actually wetlands, but it will be used as a detention basin; that is one of the reasons that the Planning Commission will request that the area be fenced or screened. Mr. Ashdown reiterated his wife's concerns regarding the fact that buildings have been started without the site plan being approved. He then noted that when Acre's Market was built he was promised sidewalk, curb, and gutter up to the North Ogden City property line and that was never completed. He stated he is baffled that the City feels it should not be required to install sidewalk along the road. He then questioned where various aspects of the project will be located on the site, such as fuel pumps and salt sand storage. Mr. Kerr identified the location of the fuel station and salt and sand storage sheds. Mr. Kerr then noted that building permits for the project have been issued; the main reason the site plan application is so late is that the project is a design/build project and the City and contractor were still making changes to the design as recently as one month ago. He noted that once decisions regarding the design of the building were made he decided to submit the site plan application. He stated the goal is to complete the project before snow flies. A resident, no name and address given, questioned the legality of issuing a building permit without a site plan being approved. Chairman Thomas asked the public to focus on their concerns or recommendations regarding the project and site plan. He noted that the City will be required to conform to the site plan approved by the Planning Commission and they are ultimately taking a risk by beginning construction of the buildings prior to that approval. Mr. Call agreed and noted the Planning Commission is the ultimate approving authority for site plans. Mr. Ashdown stated that the entire process seems 'shady' to him and he noted there is no way the City could have expected to have the building built before snow flies. Chairman Thomas assured the residents that the Planning Commission will ensure that the project is designed correctly. Mr. Ashdown stated that he wants the promises that were made to him and other residents honored and he feels the City should be held to the same standards as private residents and businesses. Chairman Thomas apologized that the citizens feel they were not represented or correctly informed of the project. Mr. Ashdown stated he appreciates that the Planning Commission will do what they can to hold the City to all standards enforced on private residents and businesses. Chairman Thomas encouraged Mr. Ashdown to check on the agendas and packets for upcoming Planning Commission and City Council meetings in order to stay apprised of the status of the project.

Sue Rounkles thanked the Planning Commission for the discussion they had tonight regarding the Public Works Facility project and she invited each member to walk down Pleasant View Drive and become familiar with its condition and aesthetics; she feels if the City erects a nice fence or wall around the Facility, it will be more aesthetically pleasing. She then noted that she has been told that snow plows and other pieces of equipment will be stored inside of a building and she asked if that is true or if they will be stored in the yard of the facility. Mr. Kerr stated

inside storage may not be available immediately. Chairman Thomas noted the intent is to provide screened and covered parking for all equipment. Ms. Rounkles also encouraged the Planning Commission to personally visit her neighborhood and see that it is a nice area of town and they want their quality of life preserved.

Mr. Ashdown re-approached and indicated that there is a manhole in front of his home that sticks up out of the ground and it will be a hazard when snow plow crews are plowing this winter. He stated he has informed the Council of the problem as well.

Commissioner Prisbrey thanked the citizens for expressing their concerns. He reiterated the Planning Commission is committed to ensuring the project is done right.

Commissioner Russell stated some defense must be offered to the City Council. He noted they were given the charge of building a new Public Works Facility, but each time the budget for the project was discussed they were told by the citizens to spend less and less. He stated that they are between a rock and a hard place; they are trying to get the best product they can get for the money they have. He stated it is the Planning Commission's obligation to let the Council know what they would like to see on the site plan, but he reiterated the City Council has done the best with what they had. Mr. Ashdown stated he understands, but he was upset that the citizens were told that they would build a building for \$6 million but needed to bond for \$10 million.

Commissioner Brown stated that she feels the Planning Commission has made some positive suggestions relative to the project.

Chairman Thomas then asked Mr. Kerr if the address for the Public Works Facility is correct. Mr. Kerr answered yes.

7. PLANNING COMMISSION/STAFF COMMENTS

Mr. Call complimented the Planning Commission for being a dynamic group that is thoughtful about each application that comes before them. He stated that the Commission does a good job at asking questions of staff and applicants and he appreciates that.

Mr. Kerr reported there will be an open-house and ribbon cutting ceremony at Smith's Marketplace on November 18.

Commissioner Brown referenced the potential North Ogden Plaza redevelopment project and noted there is a building in the Plaza that does not have a front door and a structural change needs to be made to the building so that it complies with the current building and fire codes. She stated she feels the Planning Commission needs to be more involved with the project.

Mr. Scott then provided the Planning Commission with an update regarding the General Plan Update project.

8. ADJOURNMENT

Commissioner Brown made a motion to adjourn the meeting. Commissioner Prisbrey seconded the motion.

Voting on the motion:

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

The motion passed.

The meeting adjourned at 9:10 p.m.

Planning Commission Chair

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

Date approved