

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

April 1, 2015

The North Ogden Planning Commission convened in a regular meeting on April 1, 2015 at 6:30 p.m. 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 26, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

COMMISSIONERS:

Eric Thomas	Chairman	(excused)
Don Waite	Vice-Chairman	
Scott Barker	Commissioner	
Blake Knight	Commissioner	
Brandon Mason	Commissioner	
Steven Prisbrey	Commissioner	
Dee Russell	Commissioner	

STAFF:

Jon Call	City Attorney
Stacie Cain	Deputy City Recorder

VISITORS:

Judy White	Shelley Hancock	Bruce H Jones
Carson Jones	Eric Martz	Thom Wight
John Hansen	Mark Koch	

REGULAR MEETING

Vice-Chairman Waite called the meeting to order at 6:33 p.m. Commissioner Prisbrey offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Shelley Hancock, 2671 N. 200 E., stated she has been seeking to have a City ordinance amended to prohibit the use of storage containers as accessory buildings on residential properties. She

stated that in reviewing the minutes of recent Planning Commission meetings she has found the issue has not been addressed or resolved. She stated she has spoken to City Planner Scott regarding the issue and he has told her further meetings and discussions are necessary before the ordinance amendment can be addressed. She stated that she would like for those meetings to be scheduled as soon as possible in order for the issue in her neighborhood to be resolved. Vice-Chairman Waite stated the Planning Commission was waiting for some direction from the City Council before proceeding. There was a brief general discussion regarding the industrial storage containers being used as storage sheds in Ms. Hancock's neighborhood, after which Vice-Chairman Waite assured Ms. Hancock that additional meetings will be scheduled to address the issue.

Judy White, 2674 N. 200 E., stated she has also reviewed the minutes regarding the issue raised by Ms. Hancock; in those minutes someone stated that Ms. Hancock was the only one that had complained about the use of industrial containers as storage sheds in residential neighborhoods. She stated that is not correct as there were four different families in Ms. Hancock's neighborhood that have complained about the same issue and the only family that wants the use of the containers to continue is the family that is currently using them. She stated the reason for concern in the neighborhood is that the storage containers are 53 feet long, 10 feet wide, and 10 feet tall; this is very large for use in a residential neighborhood. They are also unsightly and they are surrounded by noxious weeds. The person that owns the storage containers has removed the wheels from them and indicated that they can now be classified as a permanent structure, but she disagrees. She stated her neighborhood is in a residential zone, though some residents may have agriculture uses and animals. She stated she would like for the issue to be addressed by the City as soon as possible. Vice-Chairman Waite stated there have been multiple meetings during which the ordinance has been discussed and there have been several people that have expressed their opinion that disallowing the use of storage containers would negatively impact them and the use of their agriculture property. He stated the Planning Commission will carry out its due diligence in considering the matter.

2. DISCUSSION AND/OR ACTION TO CONSIDER A SITE PLAN APPLICATION FOR SUNNY SLOPE PRESCHOOL, LOCATED AT APPROXIMATELY 468 E 1750 N

A staff memo from City Planner Smith 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 to operate a preschool in their home. The applicant has submitted an application.

ORDINANCE COMPLIANCE

11-7B-3: Permitted USES

Home preschool for up to nine (9) children and no session shall be longer than four (4) hours. The operator shall be a resident of the home. The preschool area shall not be greater than three

hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2. Staff Comments this project is a home preschool and is a permitted use in this zoning district.

11-10-27: SITE PLAN APPROVAL REQUIRED

- A. A site plan shall be submitted to the planning commission which shows the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height, bulk and character of building, the provision for off street parking space, the provision of driveways for ingress and egress, the provision for other open space on the site and the display of signs. Each of the foregoing features shall be in accordance with the site plan (or subsequent amendment thereof) of the proposed development approved by the planning commission prior to the issuance of a building permit.
- B. Staff Comments: Applicant has submitted an application and site plan. See Exhibit A- Application and Site Plans.
- C. A site plan shall include landscaping, fences and walls designed to further the purpose of the regulations for commercial, manufacturing and multiple housing zones, and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are appurtenant. The site plan shall include a comprehensive sign plan in accordance to section 11-22-5 of this title.
- D. Staff Comments: This project is an already existing structure no new construction will take place. No sign plan was submitted. Signs are not permitted in a residential zone.
- E. In considering any site plan, the planning commission shall endeavor to assure safety and convenience of traffic movement, both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods, and that the requirements of this title have been met.
- F. Staff comments: This site plan meets all requirements of this section.
- G. In approving site plans, the planning commission may act on a site plan submitted to it or may act on its own initiative in proposing and approving a site plan, including any conditions or requirements designated or specified therein or in connection therewith.
- H. Staff Comments The planning commission may include any conditions or requirements as it sees necessary.

The above described application conforms to the North Ogden City General Plan due to its being compliant with city ordinances and following the Plan.

The memo offered the following summary of the potential Planning Commission consideration: does the proposed use meet the requirements of the applicable City Ordinances?

Staff recommends approval of this application subject to compliance with North Ogden City ordinances.

Mr. Scott reviewed the staff memo.

Vice-Chairman Waite asked if fire extinguishers at the home have been updated and tested. Mr. Scott stated that will be verified before a license is issued.

Commissioner Barker made a motion to grant site plan approval for Sunny Slope Preschool, located at approximately 468 E. 1750 N. Commissioner Russell seconded the motion.

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

3. DISCUSSION AND/OR ACTION TO CONSIDER HALL TREE SUBDIVISION PHASE XVI, PRELIMINARY AND FINAL PLAT, LOCATED AT APPROXIMATELY 3000 N 1400 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 applicant is requesting preliminary and final approval of Phase XVI of Hall Tree subdivision, a 9 lot subdivision at approximately 3000 North and 1400 East. The 9 lot subdivision is on 3.54 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.

STAFF/REVIEW AGENCY COMMENTS

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; however this design is not consistent with the previously approved phasing plan. The design leaves property on the north end of 1400 East for a future phase. The applicant can request that a new phase be added to this subdivision; however, the Planning Commission has the discretion to require that the final plat include the excluded property. All lots meet the minimum size and frontage requirements.

The City Engineer has submitted a staff review dated March 10, 2015. 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 offered the following summary of the potential 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 single family residential.

Staff recommends preliminary and final approval of this application for Hall Tree Phase XVI subdivision subject to the conditions from the North Ogden City Engineer and reviewing agencies.

Mr. Scott reviewed his staff memo.

Carson Jones, 1106 W. 450 N., Pleasant View, approached and indicated he is the applicant and a developer for Blackburn Jones.

Vice-Chairman Waite stated there has been a question about two lots that were originally included in the plat for the development that have since been removed. He stated removal of those lots from the development would block access to the north of the subject property. Mr. Jones stated that since phase 10 of the development, Blackburn Jones has been required to install oversized infrastructure to serve all undeveloped land on the hillside; the only participation he has received from the City has been relative to the storm sewer. He noted this has increased development costs dramatically; there are 70 or 80 acres in the vicinity of the subject property that he has no access to, but he is bearing the financial burden of stubbing improvements to the property. He stated the two lots in question were left out of the plat to be used as a discussion point and bargaining chip when the property adjacent to them develops; it may be possible to get the other property owner to agree to participate in costs that have been paid for improvements to date. Commissioner Knight stated that he understands Mr. Jones' motives and agrees with them. Mr. Jones stated he would like to stop the installation of improvements above lot 122 and when the last phase is scheduled for development there will be two additional lots to develop and an additional 110 feet to install infrastructure.

Vice-Chairman Waite stated that one of the issues discussed during the last review of this application was the option to dedicate the temporary turnaround to the City to prevent land-locking the subject property or adjacent properties. Mr. Jones stated he would not object to deeding the street all the way to the north property line if mutually agreeable terms can be reached and so long as a payback agreement can be put in place relative to future development.

City Attorney Call stated discussed payback agreements and stated the City cannot specifically require Mr. Jones to participate in a payback agreement. He noted, however, that if infrastructure has been installed by the City or through a payback agreement that the City is party

to, the City can require future developers to connect to that infrastructure. Mr. Jones provided information regarding the improvements he has installed on the subject property, reiterating it has been excessive in order to provide service to undeveloped properties above the subject property. Mr. Call inquired as to how much the improvements were upsized. Mr. Jones stated the storm sewer line went from an 18 inch to a 24 inch line, but the City has not yet entered into a payback agreement with him for those additional expenses. Mr. Call asked if water lines were oversized as well. Mr. Jones stated the water lines were looped and additional improvements were made to ensure adequate pressure in the area. He stated he is not looking for a dollar for dollar payback, but he wants all parties to participate fairly and equitably. He reiterated he has proposed to leave the two lots in question out of phase XVI in order to allow for future negotiations between him and the property owners to the north. Discussion then ensued regarding the temporary turnaround in phase XVI, with Commissioner Knight stating that he has questioned whether it is actually Blackburn Jones' responsibility to provide the turnaround. He then asked Mr. Scott why the staff is concerned that Mr. Jones left two lots off of his proposed plat. Mr. Scott stated the City Engineer was concerned about the elimination of the two lots because the City must ensure accessibility to improvements for future development. Commissioner Knight stated the elimination of the two lots does not prevent future access; if and when the land owner to the north wants to develop, he could approach the City and Blackburn Jones to negotiate access through their property and connection to the existing infrastructure.

Mr. Call stated that he has discussed the utility upsizing requirements placed on Blackburn Jones and noted that City Engineer Hartvigsen had indicated the City intended to pay for the upsize costs associated with the storm sewer with the plans of being reimbursed by future impact fee revenues. However, Mr. Hartvigsen had not mentioned the City had required upsizing of water and sewer infrastructure.

Commissioner Russell stated that even if the two lots are left off of the phase XVI plat, Mr. Jones will still need to run utilities to those lots. Mr. Jones stated that is correct. Commissioner Russell stated he is confused about what Mr. Jones is trying to accomplish by leaving the two lots off the plat. Mr. Jones stated that it will give him an opportunity to meet with the owners of the property to the north to discuss the costs they have incurred to install infrastructure and possibly negotiate the sharing of those costs and remaining costs associated with developing the last two lots and providing access to the property to the north. Discussion of this concept ensued, with Commissioner Knight indicating he is unsure whether the property owner to the north will be willing or able to participate in infrastructure costs for the Hall Tree Subdivision because they will likely be required to install upsized infrastructure as well. Mr. Jones stated that is not correct because there is not undeveloped property above the property to the north. He stated he has been involved in similar negotiations in the past with other property owners; it is a very common occurrence for developers to participate in upsizing costs associated with developments completed prior to a project they may be working on.

Discussion then centered on a proposed temporary turnaround to be included in the phase, with Mr. Jones indicating that since the initial conception of the Hall Tree Subdivision in 1986 the plans were to have the two lots in question make up phase XVII. He stated he feels it is more appropriate for discussions regarding access and a temporary turnaround to take place between private property owners rather than the City mandating such amenities. Commissioner Prisbrey

asked Mr. Jones if he has had any discussions with the other land owner to date. Mr. Jones stated there were discussions years ago, but no recent discussions. Mr. Scott then noted that City staff has not seen anything relative to a phase XVII; all plan submitted to date have only referenced a phasing plan up to XVI and that is the reason he wrote his staff report in the manner that he did. Mr. Jones stated that the only complete plans that have been submitted to the City were relative to storm drainage; there was a separation between phases XV and XVI on that plan. Discussion then re-centered on the temporary turnaround in the development with Mr. Scott noting the City is concerned about access and the turnaround relative to the two lots in question is that it is the City's duty to recommend roadway design that does not land lock adjoining properties. Mr. Jones stated it is not his intention to land lock the property to the north or block any future development. Mr. Scott suggested that the Planning Commission table this agenda item to give Mr. Jones sufficient time to enter into discussions with the property owner to the north regarding access and the temporary turnaround. Mr. Jones agreed with that recommendation.

Commissioner Knight made a motion to grant preliminary approval for Hall Tree Subdivision Phase XVI, located at approximately 3000 N. 1400 E. Commissioner Mason seconded the motion.

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

4. PUBLIC HEARING TO RECEIVE COMMENTS TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 786 E 2100 N, FROM RESIDENTIAL RE-20 TO RESIDENTIAL R-1-12.5

A staff memo from City Planner Smith 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. Zoning decisions are based on compatibility. If it is reasonably debatable that the proposed uses are compatible with other uses in the zoning district or in the adjoining districts, the commission can approve the change. Typically the criterion for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes. The applicant is requesting that the property located at approximately 786 East 2100 North, be rezoned from Suburban Residential RE-20 to Single Family Residential R-1-12.5. The existing project has been included in the Coldwater Springs subdivision lot 5. The applicant currently has

an existing building located in the R-1-12.5 zone. The project is proposing to add to this building. This applicant will place this lot into one zone. The rezoning has a concurrent site plan review application before the planning commission. The applicants proposed land use for this property is a residential multi-unit living facility for the disabled.

GENERAL PLAN

The General Plan calls for “All development in the community should be built on land suitable for the intended use.” Additionally, “A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space.”

The Zoning and Land-Use Policy includes guidelines for how zoning changes should be considered:

General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use. Staff comment: The proposed land use will complement existing uses in the community as this project will be just an addition to an already allowed use on the zoning district adjacent to the proposed parcel.
2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition. Staff Comment:
3. Where possible, properties which face each other, across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones. Staff comment: 2100 North is a collector street which provides a sufficient buffer.
4. Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines. Staff comment: The petition will have all properties in the same zone.

Residential Guidelines

8. Avoid isolating neighborhoods.
Staff comment: The proposed project will be located on an existing street 2100 North, and will not isolate any neighborhoods. The proposed project will also include street improvements to the east of the property where the future 800 east will run north and south. The street layout provides for appropriate future connections.

The General Plan map calls for this property to be developed as single family residential, low density. The recommended zoning is for R-1-10, R-1-12.5, RE-20.

The memo offered the following summary of potential Planning Commission considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests? Is the R-1-12.5 request appropriate for this neighborhood?

This is a policy decision; the General Plan recommends this area as low density zoning. This project can logically be zoned R-1-12.5. If the Planning Commission determines that the R-1-12.5 zone is appropriate; the Commission can find that the application is consistent with the North Ogden General Plan and recommend approval to the City Council.

Mr. Smith summarized his staff memo.

**Commissioner Mason made a motion to open the public hearing at 7:35 p.m.
Commissioner Knight seconded the motion.**

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

There were no persons appearing to be heard.

**Commissioner Knight made a motion to close the public hearing at 7:36 p.m.
Commissioner Prisbrey seconded the motion.**

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

**5. DISCUSSION AND/OR RECOMMENDATION TO REZONE PROPERTY,
LOCATED AT APPROXIMATELY 786 E 2100 N, FROM RESIDENTIAL RE-20
TO RESIDENTIAL R-1-12.5**

Commissioner Prisbrey made a motion to forward a positive recommendation to the City Council for the rezoning of property located at approximately 786 E. 2100 N. from residential RE-20 to residential R-1-12.5. Commissioner Barker seconded the motion.

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

6. DISCUSSION AND/OR ACTION TO CONSIDER A SITE PLAN APPLICATION FOR QUAIL MEADOW ASSISTED LIVING, LOCATED AT APPROXIMATELY 786 E 2100 N

A staff memo from City Planner Smith 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 an addition onto the applicants existing property and structure. The new addition will also be a residential facility for the disabled.

ZONING ORDINANCE COMPLIANCE

The Planning Commission will be considering how this proposal meets the North Ogden City Zoning Ordinance:

11-8 (Single Family Residential R-1-12.5) This project is located in an R-1-12.5 Single Family Residential Zone. Residential facilities for the disabled are a permitted use in the R-1-12.5 zone.

11-10-27 (Site Plan Approval Required) A site plan shall be submitted to the planning commission which shows the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height, bulk and character of building, the provision for off street parking space, the provision of driveways for ingress and egress, the provision for other open space on the site and the display of signs. Each of the foregoing features shall be in accordance with the site plan (or subsequent amendment thereof) of the proposed development approved by the planning commission prior to the issuance of a building permit. Staff Comment: Applicant has applied for a site plan review.

A site plan shall include landscaping, fences and walls designed to further the purpose of the regulations for commercial, manufacturing and multiple housing zones, and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are appurtenant. The site plan shall include a comprehensive sign plan in accordance to section 11-22-5 of this title.

Staff Comment: No sign permit has been submitted to staff at this time. If a sign is to be installed at a later date, applicant will be required to submit a sign plan. This should be a condition of approval.

In considering any site plan, the planning commission shall endeavor to assure safety and convenience of traffic movement, both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods, and that the requirements of this title have been met.

Staff Comment: Conditions of site plan review team meeting notes shall be met. Site plan review notes are attached.

In approving site plans, the planning commission may act on a site plan submitted to it or may act on its own initiative in proposing and approving a site plan, including any conditions or requirements designated or specified therein or in connection therewith.

Staff Comment: The planning commission may add any conditions that it sees necessary.

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.

Staff Comments: The building will have low level emitting LED lights that shine downward and not projected out onto adjoining lots.

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.

Staff Comment: This project meets the requirements per submitted site plans. The applicant will use existing trash facilities.

11-17 (Parking and Loading; Traffic Access) Permits: An applicant for site plan review or a building permit must submit plans showing the off street parking required by this chapter.

Staff Comments: Applicant submitted site plans and meets parking requirements. The site will add 14 new parking spaces.

11-22 (Sign Regulations for all Zones) – No sign permit has been submitted to staff at this time. If a sign is to be installed at a later date, applicant will be required to submit a sign plan. This should be a condition of approval.

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 offered the following summary of potential Planning Commission considerations:

- Does the proposed project follow the General Plan of North Ogden City?
- Does the proposed use meet the requirements of the applicable City Ordinances?
- Does the proposed project comply with all applicable City Ordinances?

Staff recommends approval of the Quail Meadows Assisted Living Addition site plan with the following conditions:

- Comply with comments made by the site plan review team.
- Quail Meadows will own and maintain the storm basin; however an easement for the city is to be given.
- If a sign is to be installed a sign plan application will need to be submitted.

Mr. Smith reviewed his staff memo as well as photographs of the type of construction and building design that will be used on the project.

Commissioner Prisbrey inquired as to the number of beds included in the existing facility, to which the applicant, Eric Martz, answered 24. He noted, however, that he is licensed to have 27 beds in the current facility. He stated that he plans to add 21 to 25 additional bedrooms and the new facility will be geared towards memory care services. Commissioner Prisbrey asked if residents are still able to drive. Mr. Martz stated that he has had a few residents who still have their driver's license, but that is not typical.

Commissioner Russell made a motion to approve the site plan application for Quail Meadow Assisted Living, located at approximately 786 E. 2100 N., subject to the conditions listed in the staff report. Commissioner Mason seconded the motion.

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

7. DISCUSSION AND/OR ACTION TO CONSIDER A CONDITIONAL USE PERMIT FOR LEGACY NORTH PRUD PHASE IV, LOCATED AT APPROXIMATELY 2400 N 500 E

A staff memo from City Planner Scott explained this property was rezoned from R-2 to Legacy PRUD on February 24, 2015. A subsequent text amendment to allow flexibility in rear lot standards is being heard on March 31, 2015 in a City Council public hearing. This text amendment will not impact the subdivision design. The applicant has submitted an application for Phase 4 of Legacy North PRUD subdivision consisting of 22 lots. The subdivision design is consistent with the previous 3 phases of Legacy North PRUD. Prior to submitting this application the Planning Commission considered several subdivision design variances for this project and on September 23, 2014 the City Council granted the following variances:

1. Allow a hammer head instead of a cul-de-sac at the end of North Legacy Drive.
2. The City accepting the same size roads as Legacy 1, which is narrower than a city approved street.
3. Provide for a retention basin on the east side of the Senior Center in lieu of extending Legacy North Drive.
4. A 5 foot sidewalk on one side of the road.
5. The agreement from Legacy 1 that they will accept Legacy 4 as a part of their home owners association.

The process for approving planned unit developments requires a subdivision and conditional use permit approval. The Planning Commission by granting preliminary approval will also grant a conditional use permit. The preliminary development plan approved by the Planning Commission is sent to the City Council for their recommendation. The Planning Commission shall consider any City Council comments as part of their consideration for final approval. A Mylar is also approved for any subdivision that is part of the PRUD.

The Legacy Phase 4 PRUD/subdivision consists of 22 lots. The design is consistent with the referenced variances, i.e., has a hammer head instead of a cul-de-sac at the end of North Legacy Drive, allows the same size roads as Legacy 1, which is narrower than a city approved street cross section, (roadways are shown within a 38 foot right of way compared to the city standard 60 foot right of way), accept the retention basin vs extending Legacy North Drive, (a retention basin is planned and will be donated to the City adjacent to 2550 North next to the Senior Center property, trails will be constructed to provide access to the Senior Citizen's Center and the trail to the west adjacent to the Smith's project, allow a 5 foot sidewalk on one side of the road, and provide an agreement from Legacy 1 home owners association that they will accept Legacy 4 as a part of their home owners association.

A technical review committee meeting was held on August 18, 2014. (See Exhibit D). A follow-up letter from the city engineer dated March 24, 2015 is also attached. (See Exhibit E). As part of the geotechnical review an issue has been identified that potentially will impact the number of lots and the design of the project. A substantial area of peat has been located which will need to be addressed. The applicant will need to identify a solution to this circumstance and propose a solution, e.g., eliminate the impacted area and reduce the number of lots or dig out the peat and put in engineered fill.

As part of the text amendment to provide flexibility for rear yards neighbors discussed a concern about their existing back yard depths. The applicant has since done a survey and found that there is an old irrigation ditch that is on the other side of the existing fences. This ditch has since been abandoned and will be filled in thus allowing the expansion of the existing back yards if the lot owners agree.

Otherwise the items identified in the reports will need to be addressed.

CONDITIONAL USE COMPLIANCE

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 Legacy subdivision 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 project is the final phase of the Legacy project. It 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.

The memo offered the following summary of potential Planning Commission considerations:

- Is the project compatible with the General Plan?
- Is the subdivision design acceptable?
- Does the subdivision design address the requirements of the referral agencies?

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, medium density. The Legacy North PRUD zone is consistent with this designation.

The request is consistent with previous phases of Legacy North PRUD and the Planning Commission can find that this request is consistent with city standards, the approved variances, and city ordinances. The Planning Commission can grant preliminary approval of Phase 4 of Legacy PRUD/conditional use permit subject to the reviewing agency requirements recommend to the City Council that the design include the requested variances. Recommended conditions of

approval are that the application meets the requirements of the Technical Review Committee and the requirements of the North Ogden City Engineer.

Mr. Scott reviewed his staff memo.

Vice-Chairman Waite addressed the applicant, John Hansen, and stated the concerns that most of the people living in phase one of the project were related to truck traffic associated with construction of the next phase; he asked how that traffic will be handled. Mr. Hansen stated he has signed an agreement with the Legacy North Homeowners Association (HOA) to indemnify them from any damage that could be caused by truck traffic on Legacy Drive from 2300 to 2550 North. He noted a third party inspector will be used to inspect the road before and after the project is complete to determine if any damage has been caused. He stated that construction traffic will be directed from the north.

Commissioner Barker made a motion to approve a conditional use permit for Legacy North PRUD Phase IV, located at approximately 2400 N. 500 E., subject to the conditions listed in the staff report. Commissioner Knight seconded the motion.

Voting on the motion:

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	abstained
Commissioner Russell	yes

The motion passed.

8. DISCUSSION AND/OR ACTION TO CONSIDER LEGACY NORTH PRUD PHASE IV, PRELIMINARY PLAT, LOCATED AT APPROXIMATELY 2400 N 500 E

Mr. Scott indicated the staff memo for agenda item seven also covers agenda item eight.

Commissioner Knight made a motion to approve the preliminary plat for Legacy North PRUD Phase IV, located at approximately 2400 N. 500 E. Commissioner Mason seconded the motion.

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	abstained
Commissioner Russell	yes

The motion passed.

9. DISCUSSION AND/OR ACTION TO CONSIDER A CONDITIONAL USE PERMIT FOR THE RANCHES SUBDIVISION, LOCATED APPROXIMATELY AT 150 E 2275 N

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 PRUD/Subdivision/Conditional Use Permit for The Ranches Subdivision, a 79 unit apartment complex. The process for approving planned unit developments requires a subdivision and conditional use permit approval. The Planning Commission by granting preliminary approval will also grant a conditional use permit. The preliminary development plan approved by the Planning Commission is sent to the City Council for their recommendation. The Planning Commission shall consider any City Council comments as part of their consideration for final approval. A Mylar is also approved for any subdivision that is part of the PRUD. A Technical Review Committee meeting was held on January 27, 2015. All of these requirements must be complied with. The City Engineer has sent a letter dated February 2, 2015 that summarizes the comments from the Technical Review Committee along with his specific requirements.

ZONING ORDINANCE COMPLIANCE

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

The property is in an R-4 zone; multi-family projects over five acres are a conditional use subject to the planned residential unit development and subdivision ordinances.

The proposal consists of 17 buildings (3 triplexes, 4 four plexes, 4 five plexes, and 5 six plexes) and a clubhouse. The project will have two phases.

The applicant has provided renderings of the apartment buildings. The buildings are a combination of one and two stories transitioning from approximately 15 feet to 25 feet in height (maximum is 35 feet). The building materials consist of a combination of brick veneer, hardie board panel siding, stucco, vinyl windows, and asphalt shingles. The colors are earth tones primarily browns and grays.

The site development standards for the R-4 zone regarding exterior setbacks have been met with the exception of the building fronting onto 200 East, this front setback will need to be adjusted to 30 feet. The interior buildings show a 20 foot setback where 30 feet is required.

11-11-5 Minimum Lot Development Requirements

A. General Requirements

1. Minimum Lot Area: 11-11-5 (I) 5 acres (Staff comment: The project is over 5 acres. The area requirement has been met; there are 79 apartment units. The area requirement is 342,000 square feet.)
1. 2 Minimum Yard Setbacks: Front, Side and Rear where the property abuts another parcel of land: Thirty feet (30'). The required setback area shall be landscaped.
2. Minimum distance between main buildings: single story 15 feet; two story 20 feet; and two and one-half story 25 feet. (Staff comment: The site plan shows these distances being met.)
3. Fencing standards: depending upon setbacks vary from 42 inches to 6 feet. (Staff comment: 11-10-11 Fence Height Regulations will need to be complied with.)
4. Fencing that isolates property from the public street shall provide maintenance for this area. (Staff comment: This does not apply.)
5. Underground utilities/exceptions for large power lines. (Staff comment: All utilities will be undergrounded.)

B. Compatibility

1. Front face: Units developed on the periphery shall front onto the public streets. (Staff comment: These units front onto public streets.)
2. Exterior building material and ratio of surface coverage for the proposed façade shall be approved by the Planning Commission. Surrounding uses building material will be considered by the Planning Commission. (Staff comment: The Planning Commission will need to determine if the building materials are appropriate. See below.)

C. Design Theme

1. Entrance designs are required. The minimum shall consist of a monument sign, variety of ground cover, shrubs, and/ or trees, which shall be approved the Planning Commission. (Staff comment: A monument sign will need to be added and the Planning Commission will need to determine if the landscape plan is sufficient.)
2. Attached dwelling units shall have visual relief in facade and roof line, which adds variety and rhythm to the design and avoids monotonous straight lines. (Staff comment: The building designs provide for some visual relief.) The City Council has scheduled a public hearing for March 31, 2015, to allow flexibility in this setback if a PRUD can demonstrate an upgraded design. Staff will report on whether or not this ordinance has been adopted at the Planning Commission meeting.

The following list will need to be addressed if the ordinance amendment is adopted:

- a. The building fronts face the street. (Staff comment: Each of the building fronts face the street.)
- b. The building fronts have the main entrance features toward the street, e.g., the front door, walk way to the sidewalk, porch, windows, shutters, etc. (Staff

comment: Each of the units will have a front facing door, walkway to the sidewalk, porch, and windows.)

- c. Acceptable building materials are brick, rock, hardie board, and or stucco or other material approved by the Planning Commission; notwithstanding aluminum or vinyl siding are not allowed. (Staff comment: The acceptable list of building materials includes hardie board, brick veneer, and stucco.)
- d. The park strip and front yard have a landscape theme. (Staff comment: The landscape plan shows a combination of grass along with trees. This will need to be enhanced as part of a more detailed landscape plan as recommended in the next section.)
- e. The project is pedestrian friendly. In addition to the normal sidewalk design a walking trail system is included that has public access. The trail system and sidewalks may include pedestrian lights. (Staff comment: The street cross section includes sidewalks. The applicant will need to include a walking trail system.)

D. Open Space and Landscaping

1. 50% shall be in open green space. Each phase shall provide its proportionate share for that phase. (Staff comment: The plan shows 51% of the project in landscaping.)
2. Natural features shall be designed to preserve and incorporate into the development. Examples are drainage swales, rock outcroppings, streams and concentrated native stands of large shrubs or trees. (Staff comment: There are no natural features in this project.)
3. Developed common activity area for single-family and attached dwelling units shall be provided as follows:
 - a. Developments with attached dwelling units shall provide developed common activity area at a ratio of one square foot of developed common activity area per one square foot of floor area of living space. Each phase of development shall provide its proportionate required open green space needed for that phase. At a minimum, developed common activity area shall include either a playground with play equipment or pathways with benches and tables through a natural planted landscaped area. Common activity areas shall be configured to provide appropriate, accessible and usable spaces. Spaces that are too small, too steep, too narrow, etc., or otherwise configured in a way that the space provides questionable utility for homeowners in the PRUD, shall not be credited toward the developer's open space requirement. (Staff comment: The clubhouse will be built as part of phase 1. The calculation for the amount of open space per square footage of living space will need to be provided. The amount of common activity areas appears to be appropriate, accessible, and useable; however a trail network is also recommended.)
4. Street trees shall be placed along all interior roads at a maximum spacing distance of forty feet (40') between each tree. (Staff comment: the tree spacing meets the ordinance.)
5. The development shall have a unified landscaping design of trees, shrubs, and theme lighting. Natural features, ponds, streams, fountains, waterfalls, sculptures and other design elements which create interest and visual unity and displays creativity in providing usable open space for the residents of the development are encouraged.

(Staff comment: The Planning Commission will need to determine if this provision is acceptable.)

6. The following are guidelines for landscape design and standards. Individual projects may vary but all will be reviewed and approved by the Planning Commission: (Staff comment: The applicant will need to provide the amount of plantings verses the following guidelines.)
 - b. Ten (10) 1-foot high shrubs (4 of which are a flowering shrub) for each residential building. The plant selections of shrubs and ground covers should be drought tolerant plants. Shrub areas shall be mulched to reduce watering demands.
 - c. Six (6) 2-inch caliper deciduous trees and one 4-foot tall evergreen tree for each residential building. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as windbreaks, screening and accent plants.
 - d. Turf area at least equal to the footprint square footage of the development.
 - e. The irrigation system must use secondary water and shall be designed to water plants of similar water needs and avoid wasteful watering.
 - f. No more than ten percent (10%) of the entire landscaping surface area can be in rocks or other nonliving ground cover. The ten percent (10%) limitation does not include areas where the ground cover is rocks or other material and is planted with plants spaced so they will completely cover the area in five (5) years.
 - g. The landscape design along streams, canals, or rivers should provide a trail access along the development.
7. All dumpsters shall be stored in screened enclosures, which are architecturally compatible in style and materials with the architecture of the development. Dumpsters shall be located so they are not in the required setback areas, not visible from the public street and do not restrict vehicular parking or circulation. (Staff comment: There are no dumpsters shown on the site plan; these will need to be added.)
8. Stormwater detention facilities are to be designed and used to detain all of the storm drainage generated by any development. All surface stormwater detention facilities are to be designed and used for multiple functions. The design of the facility shall blend in with the overall theme of the open space. Factors which will be used in determining compliance may include, but not be limited to, free form design, grading and landscaping to provide gradual transitions or artistic design elements. All drainage systems shall be approved by the City Engineer and must be capable of preventing unapproved runoff onto other property and of preventing structural damage in the event of a 10-year storm. The system must also drain subsurface water capable of penetrating structures in the development. (Staff comment: These standards will be addressed by the applicant and approved by the City Engineer.)

E. Parking Regulations:

1. Parking lots are to be screened from view by means of a three foot (3') high berm along street frontages. The berm height shall be measured from the top of curb. (Staff

- comment: The parking lots are accessed by driveways that have adjacent landscaping.)
2. Parking lots shall provide landscaping at a ratio of one square foot of landscaping per thirteen (13) square feet of hard surface. The perimeter areas must also be landscaped. (Staff comment: The exterior of the parking lots are landscaped.)
 3. Each landscaped island and area shall have, at a minimum, a two inch (2") caliper tree (measured 6 inches above the ground) located in such a manner as to shade twenty five percent (25%) of the parking area upon maturation of the trees. (Staff comment: There are no landscaped islands.)
 4. The circulation system of the development is designed to provide a circulation hierarchy. The main circulation road does not have perpendicular parking which backs out into the travel lane, but branches off into development areas which have parking areas. (Staff comment: The circulation system is appropriate.)
 5. If a group recreational vehicle (RV) parking area is provided for the development, it shall be a minimum of one RV space per five (5), or fraction thereof, dwelling units. The RV parking area shall not be located in the periphery of the development and shall be completely screened. (Staff comment: There are no proposed RV parking areas.)
 6. Two (2) parking stalls for each unit in the development are required. All parking stalls and accessways shall be hard surfaced with cement concrete or asphaltic concrete. Required parking for the unit shall be located within a one hundred foot (100') radius measured from any entrance to the dwelling unit. However, no vehicular approach to a garage shall cross a property line closer than twenty six feet (26') from the garage door. There shall be at least twenty six feet (26') of approach between a garage door and the required landscape strip. Detached unit parking shall be located within a seventy five foot (75') radius measured from any entrance to the dwelling unit. (Staff comment: The required number of stalls is 158 for the dwelling units and 40 visitor stalls for a total of 198.)
 7. There shall be at least one visitor parking stall for every two (2) units or fraction thereof in multi-family unit areas of the PRUD. (Staff comment: See comment under number 6.)
 8. All required parking stalls must be non-tandem. (Staff comment: There are no tandem stalls.)
 9. All parking aisles greater than one hundred fifty feet (150') in length shall have a turnaround area that meets the cul-de-sac standards contained in the North Ogden public works standards. (Staff comment: There are no parking aisles greater than 150 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 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 apartment complex 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. 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 zoning for this parcel is not consistent with the North Ogden General Plan map; it calls for a medium density maximum of R-3 zoning; however this zoning has been in place for many years and the project is consistent with that zoning.)

11-10-11 (Fence Height Regulations) (Staff comment: Fencing will need to be more clearly defined on the plan. All fences must meet the standards in this code section and be clearly shown on the site plan.)

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

11-17 PARKING AND LOADING; TRAFFIC ACCESS

11-17-2: GENERAL REGULATIONS

Driveways must be a minimum of twenty feet in width. (Staff comment: The design meets this standard.)

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

There are 13 provisions in this section. They deal with construction standards, landscaping, screening, lighting, 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. A minimum six foot (6') landscaped area,

excluding sidewalk, is to be provided between the unit and any parking or access lanes. (Staff comment: The design shows the minimum 6 foot landscaping area. The other standards will be reviewed as part of the final plan review.)

The above described application conforms to the North Ogden City General Plan due to its being able to be 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 offered the following summary of potential Planning Commission considerations:

- Does the proposed use meet the requirements of the applicable City Ordinances including meeting the basis for a conditional use permit, subdivision, and planned residential unit development?
- 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?
- Does the planning commission have further questions regarding this application?

Recommended conditions of approval include:

- Compliance with North Ogden Zoning Ordinance.
- Compliance with any reviewing agency requirements.
- Submit a revised landscape plan showing the amount of plant materials and trail system.
- Submit information showing the calculation for the amount of open space per square footage of living space.
- Submit information on the amount of plantings from section 6 landscape design standards.
- Clearly identify all fenced areas.
- 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.

The memo concluded staff recommends approval of this application subject to the conditions of approval.

Mr. Scott reviewed the staff memo.

Commissioner Barker referenced the conditions of approval and asked if a condition should be added to make approval contingent upon the applicant providing the required number of parking stalls per City ordinance. Mr. Scott stated that a condition of approval is that the application comply with the City's zoning ordinance and parking requirements are included in that ordinance, but it would not be a bad idea to remind the applicant of that condition of approval. The Commission had a brief discussion regarding parking requirements and agreed that it would be problematic for the development if overcrowding were permitted to reduce the number of

parking stalls. Commissioner Knight then stated that he appreciates the work that has gone into the design of the development.

Applicant John Hansen stated North Ogden's parking requirements are the most restrictive of the cities in which he has completed developments because the two parking stalls in a unit's driveway are not counted in the parking calculations. He stated that he is willing to comply with the City's parking ordinance.

Commissioner Mason inquired as to who will be responsible for snow removal on the side streets within the development. Mr. Scott stated all streets within the development will be public streets and maintained by the City; the driveways will be maintained by the homeowners association (HOA) for the development.

Commissioner Knight made a motion to approve a conditional use permit for the Ranches Subdivision, located at approximately 150 E. 2275 N., subject to the conditions listed in the staff report. Commissioner Barker seconded the motion.

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	abstained
Commissioner Russell	yes

The motion passed.

10. DISCUSSION AND/OR ACTION TO CONSIDER THE RANCHES SUBDIVISION, PRELIMINARY PLAT, LOCATED AT APPROXIMATELY 150 E 2275 N

Mr. Scott indicated the staff report for agenda item nine covers item ten as well.

Commissioner Mason made a motion to grant preliminary plat approval for the Ranches Subdivision, located at approximately 150 E. 2275 N., subject to the conditions listed in the staff report. Commissioner Russell seconded the motion.

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	abstained
Commissioner Russell	yes

The motion passed.

11. PUBLIC COMMENTS

There were no public comments.

12. PLANNING COMMISSION/STAFF COMMENTS

Mr. Scott apprised the Planning Commission of the status of scheduling a joint work session meeting with the City Council. He then provided the group with an update of the project to update the City's General Plan. He added staff has been working to draft amendments to the City's sign ordinance and information regarding that work is forthcoming. There was a brief discussion regarding signage regulations, with a focus on political and campaign signs.

13. ADJOURNMENT

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

Voting on the motion:

Vice-Chairman Waite	yes
Commissioner Barker	yes
Commissioner Knight	yes
Commissioner Mason	yes
Commissioner Prisbrey	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 8:37 p.m.

Planning Commission Chair

Stacie Cain,
Deputy City Recorder

Date approved