

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

June 17, 2015

The North Ogden Planning Commission convened in a regular meeting on June 3, 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 May 29, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Scott Barker	Commissioner
Blake Knight	Commissioner (arrived at 7:00 p.m.)
Brandon Mason	Commissioner
Steven Prisbrey	Commissioner
Dee Russell	Commissioner

STAFF:

Jon Call	City Attorney
Stacie Cain	Deputy City Recorder
Brian Smith	City Planner
Gary Kerr	Building Official
Rob Scott	City Planner

VISITORS:

Chuck Millet	Pat Millet	Teresa Gordon	Carson Jones
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REGULAR MEETING

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

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. DISCUSSION AND/OR ACTION TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR A PRESCHOOL, LOCATED AT APPROXIMATELY 657 E 2550 N

A staff memo from City Planner Smith indicated 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 Conditional Use Permit (CUP) to operate a preschool in the applicant's home. The applicant has submitted an application.

The memo reviewed the application's compliance with City ordinances.

11-7F-3: Conditional Uses

"Preschools in the operator's residence, that operates four (4) or less hours per session a day and teaches more than nine (9) children, but not more than fourteen (14) children, plus supervisory personnel. An annual review by the planning commission is required. The preschool shall not exceed three hundred (300) square feet of the home or twenty five percent (25%) of the total living space of the home, whichever is less. The preschool area of the home shall conform to the standards of IBC table 1003.2.2.2."

Staff Comment: The applicant will have up to fourteen (14) children, plus one other employee. The size of the area where the pre-school will be will be approximately less than 25% of the total living space of the home. The applicant is required to obtain all necessary fire inspection, and or state permits, and follow all applicable state laws, and city ordinances.

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 well-being of the community. Staff comment: The zoning ordinance allows preschools as a conditional use to give children the opportunity to learn prior to going to kindergarten and above.

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: The pre-school is located on a

through street, 2550 North. The home has a circular drive where the students will be dropped off. There will be two sessions per day from 9 to 11:30 and 12 to 2:30 with a maximum of 7 students in each session. The exterior of the home is not going to be modified. No signs are requested.

C. The proposed use will comply with the regulations and conditions specified in this title for such use. Staff comment: The application conforms to the zoning ordinance.

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 application is consistent with the General Plan; see comments below.

The above described application conforms to the North Ogden City General Plan due to its being compliant with City Ordinances and the following Plan goal: A variety of quality housing opportunities will 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 memo offered the following summary of potential Planning Commission consideration(s): Does the proposed use meet the requirements of the applicable City Ordinances?

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

Mr. Smith reviewed his staff memo.

Vice-Chairman Waite referenced an error in the staff report; an incorrect address is listed for the subject property. Mr. Smith noted that is his error and the property is located at 657 E. 2550 N.

Vice-Chairman Waite made a motion to approve the conditional use permit application for a preschool located at approximately 657 E. 2550 N. Commissioner Prisbrey seconded the motion.

Voting on the motion:

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

The motion passed.

**3. DISCUSSION AND/OR ACTION TO CONSIDER ORCHARD VIEW
SUBDIVISION, 1ST AMENDMENT, LOCATED AT APPROXIMATELY 785 E 3000
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 preliminary and final subdivision of land of an approved or recorded subdivision plat. It consists of 1 lot change to a subdivision amendment at approximately 785 East and 3000 North. The applicant's proposed subdivision is designed for lots that are approximately 8,000 square feet with a minimum 80 feet of frontage). This application is before the planning commission because City Ordinances call for amendments to a recorded subdivision that affects any street layout. These applications must be approved by the Planning Commission and City Council, by the same procedures as for any other subdivisions and City Council by the same procedure, rules and regulations as for a subdivision. All of the infrastructure improvements are in place with the exception of sidewalks.

The City technical review committee met on May 28, 2015 and provided comments. The comments must be addressed as part of final approval. The City Engineer has provided a staff report dated June 8, 2015.

- The memo offered the following summary of potential Planning Commission considerations: Does the proposed subdivision meet the requirements of the applicable City subdivision and Zoning Ordinances?
- Do the requirements from the referral agencies address the future development needs of this subdivision?

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 medium density residential.

The memo concluded staff recommends preliminary and final approval of the Orchard View One Lot Subdivision First Amendment subject to the conditions from the reviewing agencies and the North Ogden City Engineers staff report.

Mr. Smith reviewed his staff memo.

Vice-Chairman Waite clarified that this application serves as a lot-line adjustment; there is no new construction associated with the application and the applicant is simply seeking to delineate the subject property from the rest of the property.

Chuck Millet, 785 E. 3000 N., confirmed there will be no new construction, but he does plan to move a shed from the larger five-acre plus parcel to the subject property.

The Planning Commission engaged in a brief discussion regarding requirements to install street improvements, such as curb, gutter, and sidewalk, with Building Official Kerr noting that the City Council has granted, and may continue to grant, deferrals of such improvements for good reason. The Planning Commission determined to recommend that the City Council approve such a deferral for the subject property.

Commissioner Russell made a motion to grant approval for the Orchard View Subdivision 1st Amendment, located at approximately 785 E. 3000 N., with a recommendation that the City Council approve deferral of sidewalk, curb, and gutter improvements for the subject property. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion passed.

City Planner Scott asked that the minutes reflect that the improvements to Monroe Boulevard near the subject property will be completed upon development of the reserved parcel.

4. DISCUSSION AND/OR ACTION TO CONSIDER HALL TREE SUBDIVISION, PHASE XVI, 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 final approval of Phase XVI of Hall Tree subdivision, an 11 lot subdivision at approximately 3000 North and 1400 East. The 11 lot subdivision is on approximately 4.5 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.

Preliminary approval was granted by the Planning Commission on March 18, 2015. The applicant agreed to work with the adjoining property owner to the north to negotiate the

construction of a temporary turnaround, thus allowing for the addition of two lots at the north end of 1400 East. The issue with the temporary turnaround has been resolved.

The overall layout of the subdivision provides appropriate access to the adjoining properties. All lots meet the minimum size and frontage requirements.

A technical review committee met on June 25, 2014. The City Engineer has submitted a revised staff report dated June 8, 2015. There are comments regarding the plat, improvement plans, fire and secondary. Each of these comments will need to be addressed as part of the final submittal.

The memo summarized the following potential Planning Commission consideration(s): 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 16 subdivision subject to the conditions from the North Ogden City Engineer and reviewing agencies.

Mr. Scott reviewed his staff memo and reviewed the plat for the property to identify lots 153 and 130 as well as the temporary turnaround that is the subject of this application.

Vice-Chairman Waite thanked the applicant for working with the adjacent property owner to address the concerns expressed by the Planning Commission during previous reviews of the proposed development.

Commissioner Russell asked if the temporary turn-around is paved, to which the applicant answered no and indicated it is made up of road base at this time; it will not be improved until the adjacent property is developed.

Vice-Chairman Waite made a motion to grant final plat approval for Hall Tree Subdivision Phase XVI, located at approximately 3000 N. 1400 E. Commissioner Prisbrey seconded the motion.

Voting on the motion:

Chairman Thomas	yes
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 ACTION TO CONSIDER FERNWOOD SUBDIVISION, PHASE IV, PRELIMINARY AND FINAL PLAT, LOCATED AT APPROXIMATELY 950 E 2050 N

A 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 Fernwood Estates No. 4 of the Fernwood Subdivision. Fernwood Phase IV subdivision is a 10 lot subdivision at approximately 950 East and 2050 North. The 10 lot subdivision is on 4.18 acres and is located in the R-1-10 zone. The R-1-10 zone requires a minimum lot size of 10,000 square feet on interior lots and 11,000 square feet on corner lots with a frontage requirement of 90 feet. The property is currently vacant.

A technical review committee met on May 20, 2014. The applicant will need to comply with the requirements from the referral agencies. The overall layout of the subdivision does not provide appropriate onto Fruitland drive. Proposed site plans show that all lots meet the minimum size and frontage requirements.

The City Engineer has submitted a staff review dated June 8, 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 summarized the following potential Planning Commission consideration(s): 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 Fernwood Phase IV subdivision subject to the conditions from the North Ogden City Engineer and reviewing agencies.

Mr. Scott reviewed his staff memo and indicated there has been a change in plans tonight and staff is only recommending preliminary plat approval this evening. The City has not received a final recommendation from the City Engineer regarding the alignment of Fruitland Drive near the development and it is necessary to have that recommendation before staff can recommend final plat approval.

Commissioner Mason asked if staff and the City Engineer will focus on walkability within the development and connectivity to other developments. Mr. Scott answered yes and noted safety is crucial as well.

The applicant, Carson Jones, provided the Planning Commission with his suggestion regarding the alignment for Fruitland Drive, noting he has been focusing on maintaining the rural feeling of the road; he would suggest installing curb and gutter along Fruitland Drive as well as locate a meandering trail adjacent to the road as long as the trail can be constructed within the topographical constrictions of the area. He would recommend the trail be approved in lieu of the sidewalk requirement. Chairman Thomas stated that there have been discussions about only requiring improvements on the east side of the road with nothing on the west side. Discussion among the Planning Commission, staff, and Mr. Jones regarding this option ensued, with Chairman Thomas concluding he would like staff to communicate the desires of the body and Mr. Jones to the City Engineer.

Mr. Jones then stated that time is of the essence regarding this project and he asked that his request for final plat approval be added to a future agenda as soon as possible. He also asked if the City would be comfortable with him cutting the roads within the proposed development prior to receiving final approval. Chairman Thomas indicated that any time an applicant commenced work prior to receiving final approval they should know that they are doing so at their own risk.

Commissioner Russell made a motion to grant preliminary plat approval for the Fernwood Subdivision, Phase IV, located at approximately 950 E. 2050 N. Commissioner Mason seconded the motion.

Voting on the motion:

Chairman Thomas	yes
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 THE NORTH OGDEN CITY PLANNING COMMISSION RULES OF PROCEDURE

A staff memo from City Planner Scott explained the Planning Commission conducted a work session on May 20, 2015 regarding updating the Commission's Rule of Procedure. A subsequent discussion took place on June 3, 2015. The Planning Commission gave direction on a number of

provisions that have been incorporated into the revised Rules of Procedure. The memo indicated it is necessary for the Planning Commission to consider if the draft Rules of Procedure are acceptable. The memo concluded this is a policy decision; if the Rules of Procedure are acceptable then the Planning Commission can adopt them.

Mr. Scott reviewed his staff memo and briefly reviewed the changes he made to the document since the June 3 discussion of the issue. The Planning Commission indicated they are comfortable with the proposed document and thanked Mr. Scott for his work on this issue. Mr. Scott noted that he would recommend that the Planning Commission review the document at least once each year to ensure during other training exercises.

Commissioner Russell made a motion to adopt the North Ogden City Planning Commission Rules of Procedure. Commissioner Barker seconded the motion.

Voting on the motion:

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

The motion passed.

7. PUBLIC COMMENTS

There were no public comments.

8. PLANNING COMMISSION/STAFF COMMENTS

Commissioner Knight discussed recent roadwork in Harrisville associated with the completion of a new charter school; an island was installed that blocked access to North Harrisville Road and it has caused many public safety access problems to North Harrisville Road. He recommended that people contact the Utah Department of Transportation (UDOT) or their local State representatives to communicate their feelings that cities should maintain their access and interest in State roads.

Mr. Scott then provided the Planning Commission with a report regarding redevelopment of the old Smith's building as well as the potential for Smith's to tear down a portion of the building to make room for additional parking for the new Smith's Marketplace.

Mr. Scott reported the City has scheduled an open house for July 14 pertaining to the General Plan and he asked the Planning Commission to plan to attend and participate in discussions.

Chairman Thomas led a discussion regarding the schedule of upcoming meetings of the Planning Commission.

9. ADJOURNMENT

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

Voting on the motion:

Chairman Thomas	yes
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 7:34 p.m.

Planning Commission Chair

Stacie Cain,
Deputy City Recorder

Date approved