



**NOTICE AND AGENDA**  
**SOUTH OGDEN CITY PLANNING COMMISSION MEETING**  
Thursday, June 9, 2016

Notice is hereby given that the South Ogden City Planning Commission will hold a meeting June 9, 2016, beginning at 6:15 p.m. in the Council Chambers located at 3950 Adams Avenue, South Ogden, Utah.

A briefing session will be held at 5:30 pm in the conference room and is open to the public.

**I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES** - Chairman Todd Heslop

**II. PUBLIC HEARING**

- A. To Receive and Consider Comments on an Application for a Zoning Map Amendment to Parcels 07-69-7002 and 07-69-7004, Located at Approximately 1894 Skyline Drive, From R-5A to R-5B

**III. ZONING ACTIONS**

- A. Discussion and Recommendation on an Application for a Zoning Map Amendment to Parcels 07-69-7002 and 07-69-7004, Located at Approximately 1894 Skyline Drive, From R-5A to R-5B

**IV. SPECIAL ITEMS**

- A. Discussion on Proximity Requirements for Land Use Notifications  
B. Discussion on Planning Commission Compensation  
C. Update on General Plan Land Use Chapter

**V. OTHER BUSINESS**

- A. Nomination and Election of Planning Commission Chair

**VI. APPROVAL OF MINUTES**

- A. Approval of May 12, 2016 Briefing Meeting Minutes  
B. Approval of May 12, 2016 Meeting Minutes

**VII. PUBLIC COMMENTS**

**VIII. ADJOURN**

Posted and emailed to the State of Utah Public Notice Website June 3, 2016

The undersigned, duly appointed city recorder, does hereby certify that a copy of the above notice and agenda was posted in three public places with the South Ogden City limits on June 3, 2016. These public places being City Hall (1<sup>st</sup> and 2<sup>nd</sup> floors), the city website ([www.southogdencity.com](http://www.southogdencity.com)), and emailed to the Standard-Examiner. Copies were also mailed to each commissioner.

  
Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations, including auxiliary communicative aids and services during the meeting should notify Leesa Kapetanov at 801-622-2709 at least 48 hours in advance.

**FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA**

**ZONING MAP AMENDMENT**

Agents Name Matthew Lowe Phone 648-8229 email matlowecompanies.com

Address 6023 S. Ridgeline Dr. #200 City Ogden State UT Zip 84405

Property Owner(s) Name(s):  
Nicol Investments

Address and Parcel ID of each property:	
Address _____	Parcel ID <u>07-69-70002</u>
Address _____	Parcel ID <u>07-69-7000</u>
Address _____	Parcel ID _____

Request (Please include existing zoning and what zone you are requesting that it be changed to):  
Zone change from R-5A (allowing high density assisted living to R-5 B allowing high density residential.

**Fee - Zoning Map Amendment**  
Residential - \$100.00 plus \$25 for each acre over one (1) to five (5) acres, then \$4 for each additional acre of part thereof.  
Commercial - \$100.00 plus \$50 for each acre over one (1) to five (5) acres, then \$10 for each additional acre of part thereof.

OFFICE USE  
Scheduled for Planning Commission Agenda \_\_\_\_\_

RECOMMENDATION: (OR INCLUDE ATTACHMENT)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLANNING COMMISSION ACTION:  
APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ Date \_\_\_\_\_

CITY COUNCIL ACTION  
APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ Date \_\_\_\_\_

**APPLICANT'S AFFIDAVIT**

State of Utah  
County of Weber

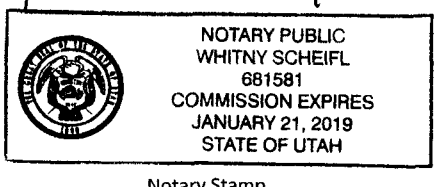
I (we) Matthews Lowe, being duly sworn, depose and say I (we) am (are) the sole  
Property Owner(s) or Agent of Owner  
owner(s)/agent of the owner(s), of the property involved in this application, to-wit,  
Skyline and Wasatch Drive and that the statements and answers contained herein, in  
Property Address  
the attached plans and other exhibits, thoroughly and to the best of my ability, present the argument  
in behalf of the application. Also, all statements and information are in all respects true and correct, to  
the best of my knowledge and belief.

Dated this 9 day of May, 2016.

Signed: Matthews Lowe \_\_\_\_\_  
Property Owner or Agent Property Owner or Agent

Subscribed and Sworn before me this 9 day of May, 2016.

Notary Public: Whitney Scheifl



Notary Stamp

**AGENT AUTHORIZATION**

State of \_\_\_\_\_  
County of \_\_\_\_\_

I (we) \_\_\_\_\_, the sole owner(s) of the real property located  
Property Owner(s)  
at \_\_\_\_\_, South Ogden, Utah do hereby appoint  
Property Address  
\_\_\_\_\_, as my (our) agent to represent me (us) with  
regard to this application affecting the above described real property, and to appear on my (our)  
behalf before any city boards considering this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Signed: \_\_\_\_\_  
Property Owner Property Owner

Subscribed and Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_

Notary Stamp

**APPLICANT'S AFFIDAVIT**

State of \_\_\_\_\_  
County of \_\_\_\_\_

I (we) \_\_\_\_\_, being duly sworn, depose and say I (we) am (are) the sole  
Property Owner(s) or Agent of Owner  
owner(s)/agent of the owner(s), of the property involved in this application, to-wit,  
\_\_\_\_\_ and that the statements and answers contained herein, in  
Property Address  
the attached plans and other exhibits, thoroughly and to the best of my ability, present the argument  
in behalf of the application. Also, all statements and information are in all respects true and correct, to  
the best of my knowledge and belief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

Signed: \_\_\_\_\_  
Property Owner or Agent Property Owner or Agent

Subscribed and Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public: \_\_\_\_\_

Notary Stamp

**AGENT AUTHORIZATION**

State of \_\_\_\_\_  
County of \_\_\_\_\_

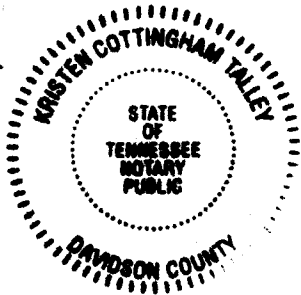
I (we) \_\_\_\_\_, the sole owner(s) of the real property located  
Property Owner(s)  
at ID # 07-69-7002 & 07-69-7003, South Ogden, Utah do hereby appoint  
Property Address  
Matthew Lowe, as my (our) agent to represent me (us) with  
regard to this application affecting the above described real property, and to appear on my (our)  
behalf before any city boards considering this application.

Dated this 11th day of MAY, 2016 NICOL INVESTMENT COMPANY, LLC  
Signed: \_\_\_\_\_ BY RONALD JOHNSON  
Property Owner TREASURER Property Owner

Subscribed and Sworn before me this 11th day of MAY, 2016.

Notary Public: Kristen Cottingham Tally

Notary Stamp



PART OF THE E.1/2, OF SECTION 22, T.5N., R.1W., S.L.B. & M.  
**FASHION POINTE SUBDIVISION PH-6**

697

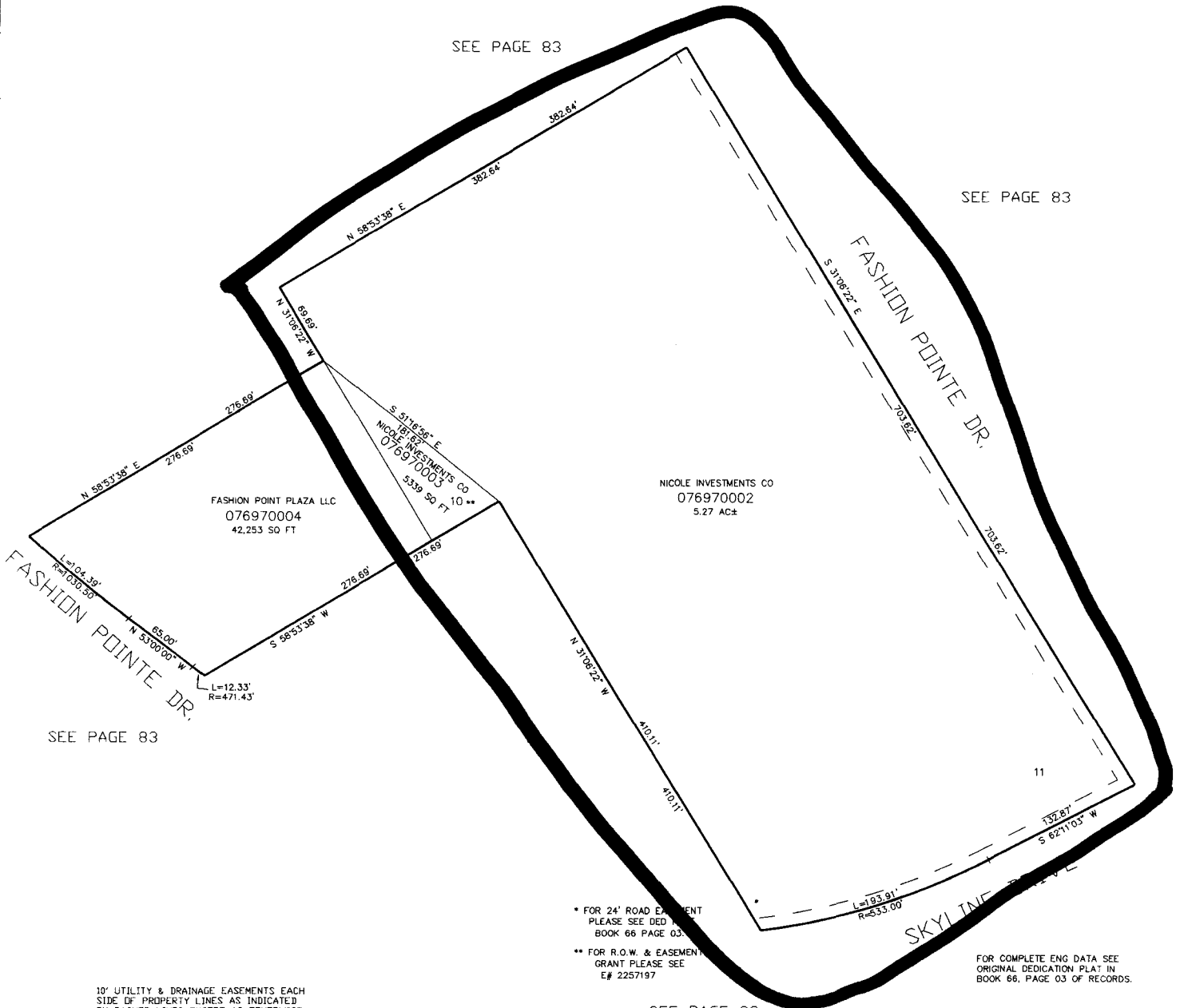
TAXING UNIT: 75

IN SOUTH OGDEN CITY

SCALE 1" = 60'

SEE PAGE 83

SEE PAGE 83



FASHION POINTE DR.

FASHION POINTE DR.

SKYLINE DR.

FASHION POINT PLAZA LLC  
 076970004  
 42,253 SQ FT

NICOLE INVESTMENTS CO  
 076970002  
 5.27 AC±

NICOLE INVESTMENTS CO  
 076970003  
 5339 SQ FT

SEE PAGE 83

SEE PAGE 83

\* FOR 24' ROAD EASEMENT  
 PLEASE SEE DED. IN  
 BOOK 66 PAGE 03.

\*\* FOR R.O.W. & EASEMENT  
 GRANT PLEASE SEE  
 E# 2257197

FOR COMPLETE ENG DATA SEE  
 ORIGINAL DEDICATION PLAT IN  
 BOOK 66, PAGE 03 OF RECORDS.

10' UTILITY & DRAINAGE EASEMENTS EACH  
 SIDE OF PROPERTY LINES AS INDICATED  
 BY DASHED LINES EXCEPT AS OTHERWISE  
 SHOWN.

# Planning Commission Report

**Subject:** To Receive and Consider Comments on an Application for a Zoning Map Amendment to Parcels 07-69-7002 and 07-69-7004, Located at Approximately 1894 Skyline Drive, From R-5A to R-5B

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** June 9, 2016



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## Background

This is an application to change two lots currently zoned for high R-5A to R-5B zoning. The purpose of the R-5A zone classification is to permit development of limited residential and office/commercial uses with their associated necessary public services and activities. R-5B zoning allows high density residential uses as well as a range of commercial and business uses such as mortuaries, medical-related retail sales, professional offices and reception centers.

## The list of permitted and conditional uses in the R5-A zone follow:

### Permitted Uses:

- Accessory building and use customarily incidental to any permitted use.
- Agriculture.
- Beneficial society.
- Church, synagogue or similar permanent building used for regular religious worship.
- College or university.
- Daycare center.
- Home occupation.
- Library or museum, public or nonprofit.
- Mortuary.
- Parking lot, accessory to uses permitted in this zone.
- Photo studio.
- Planned residential unit development, in accordance with chapter 11 of this title.
- Private park, playground and recreation area, but not including privately owned commercial amusement business.
- Professional and business offices in which goods or merchandise are not commercially created, exchanged or sold.
- Public building, public park, recreation grounds and associated buildings.
- Residential facility for disabled persons (see section 10-14-16 of this title for facility requirements).
- Medical related retail, such as a pharmacy, maternity clothes and related item sales, and medical supplies and equipment, if located in an approved medical office building.

#### Conditional Uses:

- Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- Hospital, clinic, including clinic for household pets for outpatient treatment only.
- Laboratories.
- Nursing home.
- Senior housing.

#### **The list of permitted and conditional uses in the R5-B zone follow:**

#### Permitted Uses:

- Accessory building and use customarily incidental to any permitted use.
- Agriculture.
- Boarding and lodging house.
- Church, synagogue or similar permanent building used for regular religious worship.
- Daycare center.
- Multiple-family dwelling with forty-nine (49) or less dwelling units.
- Parking lot, accessory to uses permitted in this zone.
- Planned residential unit development, in accordance with [chapter 11](#) of this title.
- Private park, playground and recreation area, but not including privately owned commercial amusement business.
- Public building, public park, recreation grounds and associated buildings.
- Residential facility for disabled persons (see section [10-14-16](#) of this title for facility requirements).
- Single-family dwelling.
- Studio for professional work, teaching, performances or exhibitions of the fine arts; provided, that such performances or exhibitions are limited to the work products of the studio involved.
- Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- Two-family dwelling.
- Wedding chapel and reception center; provided, that light refreshment only shall be served and the service or consumption of food or refreshment shall be directly incidental to the principal use.

#### Conditional Uses

- Bank.
- Assisted living units.
- Cemetery with customary incidental uses, including, but not limited to, mortuary, mausoleum, crematory, staff housing, service shops and chapel.
- Home occupation.
- Hospital, clinic, including clinic for household pets for outpatient treatment only.
- Nursing home.

#### **Discussion/Analysis**

Wasatch Drive is not particularly well-suited for commercial uses, due in large part to the lack of traffic generated for business purposes in comparison to other commercial areas in the city, and the abrupt

change in land use from commercial on the west side of the street and residential on the east side of the street. As a result, this area has remained undeveloped over the years.

However, it should be noted that multiple zoning requests have been made over the years in response to changing market conditions. The requested change allows higher-density residential uses as well as a range of transitional commercial uses, which would provide a good transition between the two sides of the street.

**Recommendation**

Staff recommends that the Zoning Code and Official Zoning Map be modified as requested, which is consistent with recommendations for adjacent properties to the north, and will help achieve unified development in the area.





## OFFICE OF THE CITY RECORDER

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May 26, 2016

Dear Property Owner,


The South Ogden City Planning Commission will hold a public hearing on a proposed request for a zoning change to parcels 07-697-002 and 07-697-003 located at approximately 1894 Skyline Drive, changing them from R-5A, a high-density residential zone specific to senior housing, to R-5B, a high-density residential zone.

The hearing will be at 6:15 PM, or as soon as the agenda permits, during the regularly scheduled South Ogden City Planning Commission Meeting on **June 9, 2016**. The meeting will be located at City Hall, 3950 Adams Ave., in the city council chambers. You are invited to attend and offer comment or respond in writing.

The application is available for your inspection from 8:00 AM to 4:30, PM Monday through Friday at the City Hall. You may also call 801-622-2709 if you have further questions.



Sincerely,

  
Leesa Kapetanov, CMC  
South Ogden City Recorder

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E [lkapetanov@southogdencity.com](mailto:lkapetanov@southogdencity.com)  
O 801-622-2709  
F 801-622-2713

3950 Adams Ave., Ste. 1  
South Ogden, UT 84403

[southogdencity.com](http://southogdencity.com)

# Planning Commission Report



**Subject:** Proximity Requirements for Noticing  
**Author:** Leesa Kapetanov  
**Department:** Administration  
**Date:** June 9, 2016

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## **Background**

The city code has never had proximity requirements for land use noticing, although the previous planner would send out notices to properties within 500 feet as a courtesy. The *Planning Commission Policies and Procedures* did have a 500 foot requirement for public hearings for conditional uses, but it was recently removed because of some conflicts in the wording, and because it was felt that if proximity notices were required, it should be specified in the code, not in the *Planning Commission Policies and Procedures*.

## **Analysis**

Those who own property close to a rezone should probably be notified of the public hearing concerning the rezone, however the question becomes how close. 150 feet? 300 feet? 500 feet? Our recently adopted subdivision ordinance requires that notices be sent to property owners within 300 feet.

The question should also be asked as to whether we should notify those property owners in proximity to a conditional use. The code says the planning commission “may hold a public hearing on any application after adequate notice, if it is deemed in the public interest.” If we were to hold a public hearing, residents may feel that if their numbers are large enough, and they object enough, the planning commission has the right to deny a conditional use application; however, state law says that there are very few reasons a planning commission can deny a conditional use. Are we giving the public the false sense that they really have a say in the matter if we invite them to a public hearing? On the other hand, they may be able to inform the planning commission of issues that exist in an area that need to be dealt with through some type of mitigation, such as fencing, hours of operation, etc. There are valid points to each side of this argument, but the question at hand is if we hold a public hearing, who should be informed?

## **Recommendation**

If it is decided that proximity noticing should be put into our code, staff feels that it should be consistent with the subdivision ordinance and stay at 300 feet.

## Survey of Pay for Planning Commissioners in Utah Cities

City	Pay
Orem	No Pay, dinner
Pleasant Grove	No Pay, dinner
American Fork	No Pay
Blanding	No Pay
Brigham City	No Pay
Eagle Mountain	No Pay
Ephraim	No Pay
La Verking	No Pay
Nephi	No Pay
Ogden	No Pay
Parowan	No Pay
Provo	No Pay
Richfield	No Pay
Santa Clara	No Pay
Santaquin	No Pay
Springville	No Pay
Washington Terrace	No Pay
Payson	No Pay
Lehi	\$95/meeting + iPad
Sandy	\$80/meeting + dinner
Alta	\$75/meeting
Highland	\$56/meeting
Riverdale	\$50/month
	\$50/meeting
Clearfield	\$75/meeting PC Chair
Bountiful	\$50/meeting
Cedar Hills	\$50/meeting
Draper	\$50/meeting
Heber	\$50/meeting
Hyde Park	\$50/meeting
Nibley	\$50/meeting
Saratoga Springs	\$50/meeting
South Jordan	\$50/meeting
Taylorsville	\$40/meeting
	\$35/meeting
Centerville	\$50/meeting PC Chair
	\$35/meeting
Clinton	\$50/meeting PC Chair
	\$35/meeting
West Point City	\$45/meeting PC Chair
Enoch	\$35/meeting
South Salt Lake City	\$35/meeting

West Valley	\$33/meeting
Enterprise	\$30/meeting
South Ogden	\$25/month + \$25/meeting
Cottonwood Heights	\$25/meeting
Farmington	\$25/meeting
Pleasant View	\$25/meeting
Roosevelt	\$25/meeting
Price	\$20/meeting per diem
Midvale	\$20/meeting
Washington City	\$150/meeting
St. George	\$100/month

# Planning Commission Report



**Subject:** Progress Report  
Proposed Amendments to the General Plan  
Land Use Chapter and Land Use Map

**Author:** Mark Vlastic

**Department:** Planning & Zoning

**Date:** June 9, 2016

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## **Background**

South Ogden adopted a General Plan in 1997, which primarily focused on Land Use/Transportation/Parks and Recreation. Updates to the plan were prepared in 2001 and 2008, which focused primarily on housing, livability, parks and recreation, urban design and the formation of a city center. While each of these updates incorporated substantial land use changes, the Land Use Chapter and Land Use Map were not updated.

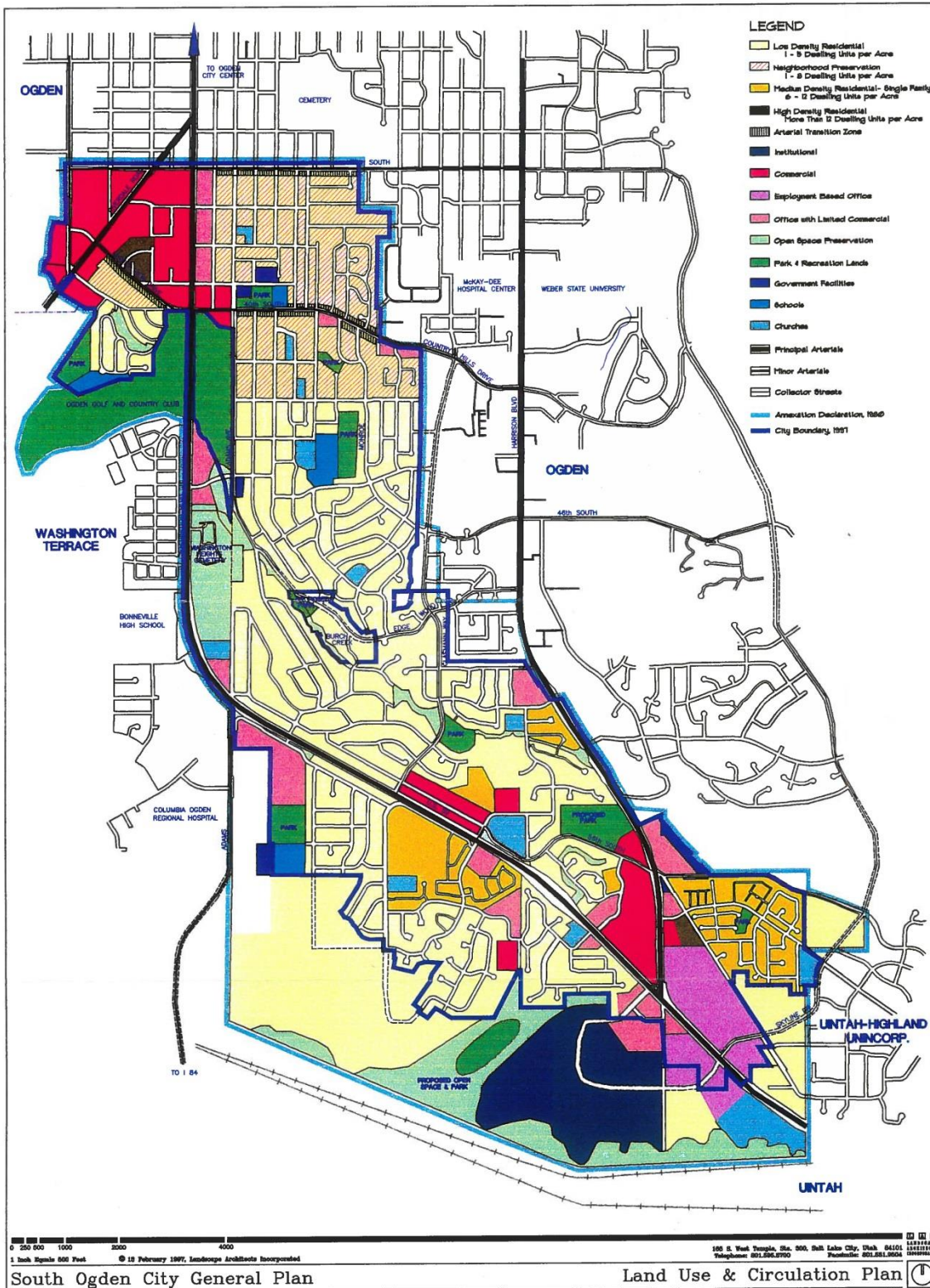
Nearly two decades have passed since the 1997 plan was adopted, and the city is approaching buildout, in large part matching the vision and direction expressed in the 1997 Plan. However, the existing plan and map do not reflect the land use visions expressed in the two updates, resulting in confusion and difficulty in determining which of the three plans should apply.

In order to resolve this confusion and to present a clear message to the public, staff recently began a review of the three plans, with the intent of creating a new Land Use Chapter and Land Use Map that reflects the cumulative land use vision of the three plans. This process focuses on the changes contained in the 2008 update, and assumes that land use ideas reflected in that plan supersede any conflicting direction contained in the 1997 plan and 2001 update. It is also important that the new Land Use Chapter and Land Use Map update specific changes that have been implemented during the last 19 years.

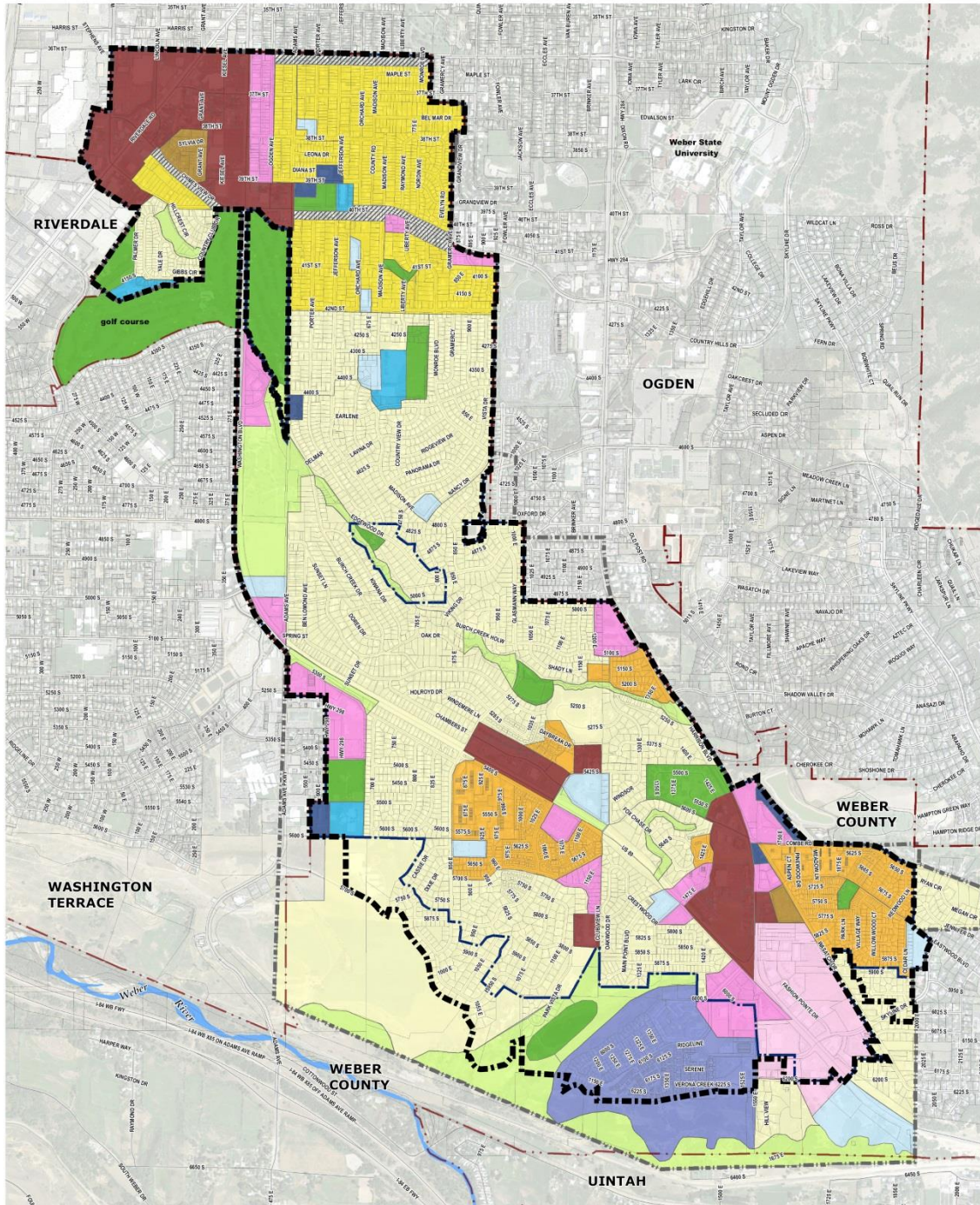
The final deliverable of this process will be a revised Land Use Chapter and Land Use Map, which should be adopted as an update to the 1997 Plan Land Use Chapter.

## **Review and Analysis**

The *1997 Land Use and Circulation Plan* is illustrated in Map 1. In order to compare this map with the 2008 update, the original map has been converted into a digital GIS format (see Map 2). Map 3 is the Existing Land Use Map that was contained in the 2008 General Plan, reformatted and updated to reflect existing uses through 2014. Map 2 and Map 3 have been compared and analyzed, with 48 inconsistencies/conflicts indicated, as illustrated in Map 4. Most of the differences are site-specific, reflecting the difference between the vision contained



# MAP 1



**LEGEND**

- South Ogden City Boundary
- Annexation Boundary
- 1997 City Boundary
- Municipality Boundary
- Low Density Residential (1-5 Dwelling Units per Acre)
- Neighborhood Preservation (1-8 Dwelling Units per Acre)
- Medium Density Residential - Single Family (6-12 Dwelling Units per Acre)
- High Density Residential (More than 12 Dwelling Units per Acre)
- Institutional
- Arterial Transition Zone
- Commercial
- Office with Limited Commercial
- Employment Based Office
- Open Space Preservation
- Park & Recreation Lands
- Government Facilities
- Schools
- Churches

1997 GENERAL PLAN  
(Updated GIS Version-2014)

**South Ogden General Plan  
Map Analysis**

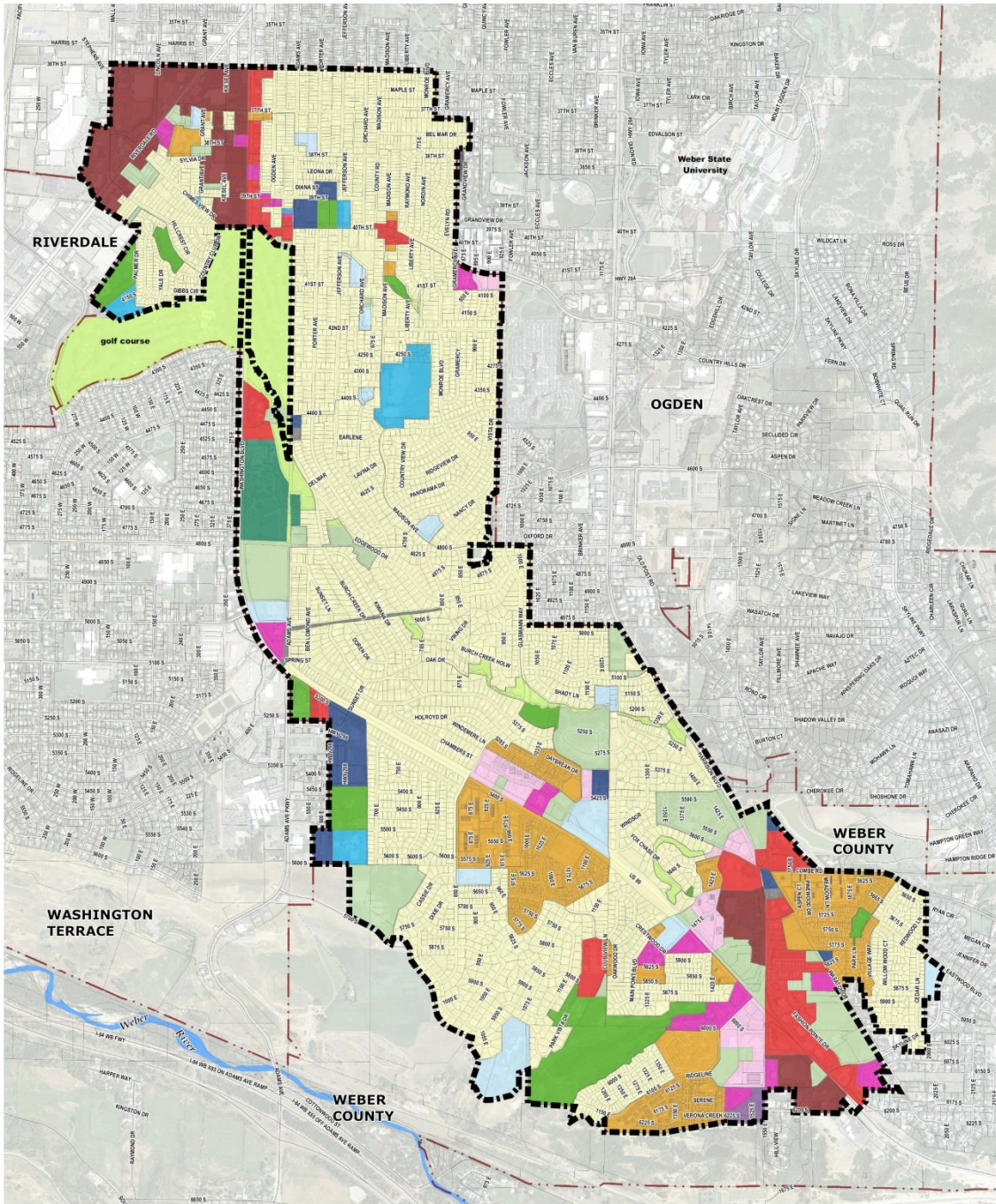
June 2014



0 0.125 0.25 0.5 Miles



**MAP 2**



**LEGEND**

- |                             |                           |
|-----------------------------|---------------------------|
| South Ogden City Boundary   | Vacant/Private Open Space |
| Single Family Residential   | Open Space/Golf Course    |
| Multiple Family Residential | Parks                     |
| Regional Commercial         | Cemetary                  |
| Neighborhood Commercial     | Light Industrial          |
| Office                      | Utilities                 |
| Medical Office              |                           |
| Public                      |                           |
| School                      |                           |
| Religious                   |                           |

2008 LAND USE  
(Updated GIS Version-2014)

**South Ogden General Plan  
Map Analysis**

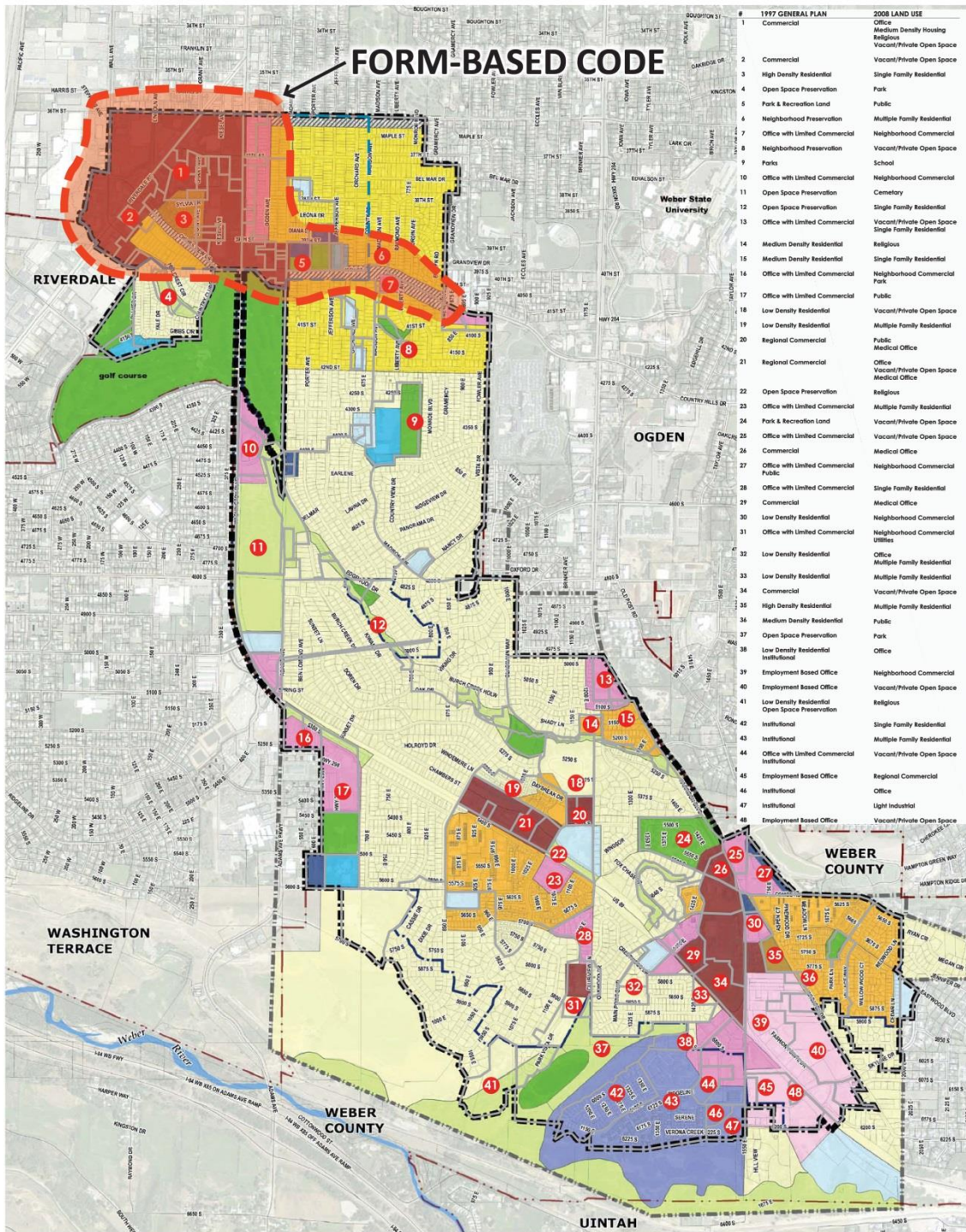


Miles 0 0.125 0.25 0.5



**MAP 3**





**LEGEND**

- South Ogden City Boundary
- 1997 City Boundary
- 1997 Annexation Boundary
- Municipality Boundary
- 2008 Land Use
- Downtown Redevelopment
- Low Density Residential (1- 5 Dwelling Units per Acre)
- Neighborhood Preservation (1- 8 Dwelling Units per Acre)
- Medium Density Residential (6-12 Dwelling Units per Acre)
- High Density Residential (More than 12 Dwelling Units per Acre)
- Institutional
- Commercial
- Office with Limited Commercial
- Employment Based Office
- Open Space Preservation
- Park & Recreation Lands
- Government Facilities
- Schools
- Churches
- Arterial Transition Zone

#	1997 GENERAL PLAN	2008 LAND USE
1	Commercial	Office
2	Commercial	Medium Density Housing
3	High Density Residential	Religious
4	Open Space Preservation	Vacant/Private Open Space
5	Park & Recreation Land	Single Family Residential
6	Neighborhood Preservation	Vacant/Private Open Space
7	Office with Limited Commercial	Public
8	Neighborhood Preservation	Multiple Family Residential
9	Parks	Neighborhood Commercial
10	Office with Limited Commercial	Vacant/Private Open Space
11	Open Space Preservation	School
12	Open Space Preservation	Neighborhood Commercial
13	Office with Limited Commercial	Cemetery
14	Medium Density Residential	Single Family Residential
15	Medium Density Residential	Religious
16	Office with Limited Commercial	Single Family Residential
17	Office with Limited Commercial	Neighborhood Commercial
18	Low Density Residential	Public
19	Low Density Residential	Vacant/Private Open Space
20	Regional Commercial	Multiple Family Residential
21	Regional Commercial	Vacant/Private Open Space
22	Open Space Preservation	Medical Office
23	Office with Limited Commercial	Office
24	Park & Recreation Land	Vacant/Private Open Space
25	Office with Limited Commercial	Multiple Family Residential
26	Commercial	Vacant/Private Open Space
27	Office with Limited Commercial	Medical Office
28	Office with Limited Commercial	Neighborhood Commercial
29	Office with Limited Commercial	Public
30	Low Density Residential	Single Family Residential
31	Office with Limited Commercial	Commercial
32	Low Density Residential	Neighborhood Commercial
33	Low Density Residential	Medical Office
34	Commercial	Office
35	High Density Residential	Multiple Family Residential
36	Medium Density Residential	Vacant/Private Open Space
37	Open Space Preservation	Multiple Family Residential
38	Low Density Residential	Public
39	Employment Based Office	Office
40	Employment Based Office	Institutional
41	Low Density Residential	Neighborhood Commercial
42	Open Space Preservation	Vacant/Private Open Space
43	Institutional	Religious
44	Office with Limited Commercial	Single Family Residential
45	Employment Based Office	Multiple Family Residential
46	Institutional	Neighborhood Commercial
47	Institutional	Vacant/Private Open Space
48	Employment Based Office	Office

South Ogden General Plan  
Map Analysis

June 2014

LANDMARK DESIGN

**MAP 4**

in the 1997 General Plan and the reality as developed. Updating the plan and map for these will be relatively straight-forward.

### **Updated Land Use Map (2016)**

The following map represents the draft updated Land Use Map (2016). In addition to updating the map with a new *City Center* and *40<sup>th</sup> Street* Transition designation, it also includes the following changes:

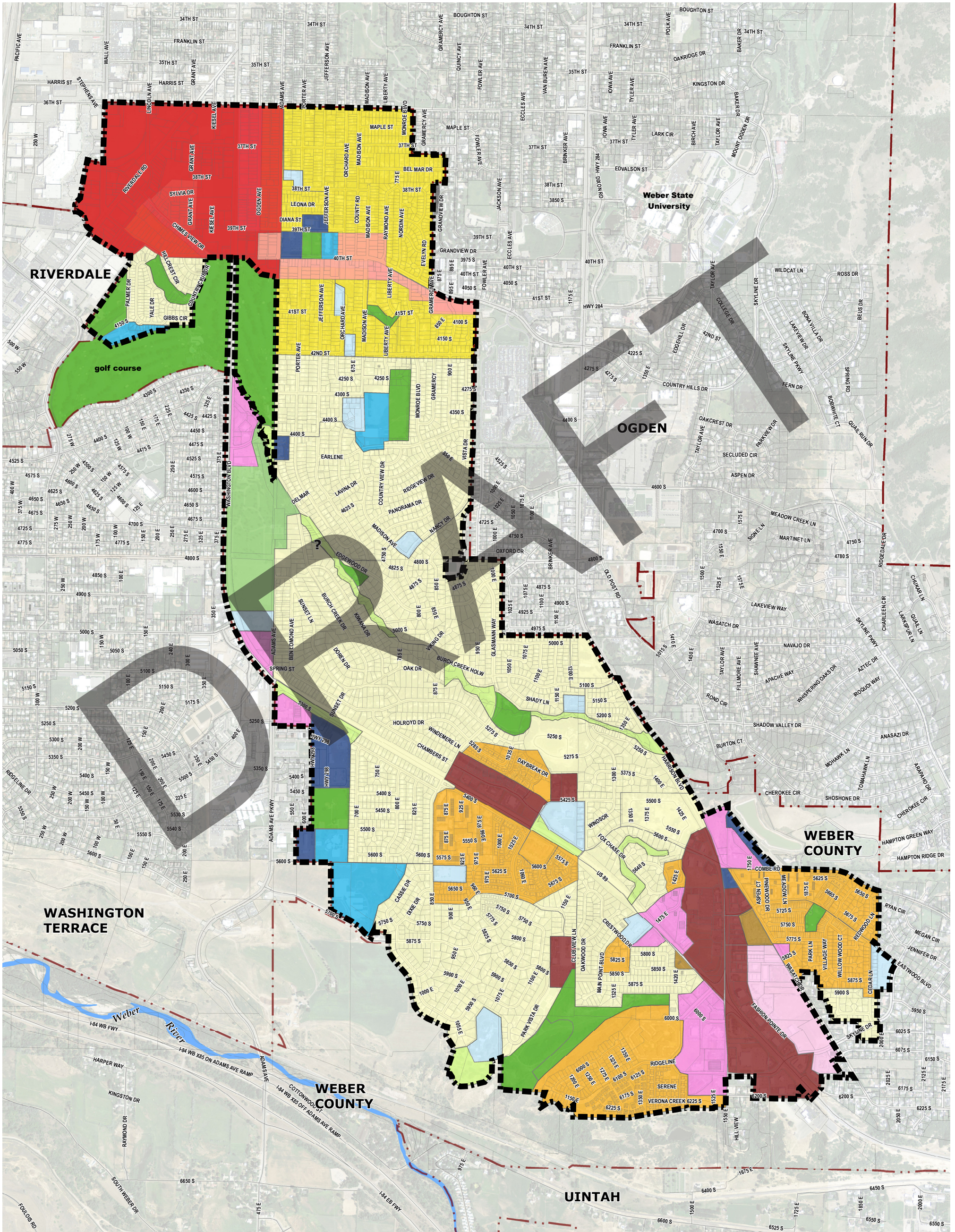
- Incorporation of the City Center and 40<sup>th</sup> Street Corridor ideas;
- Elimination of the Arterial Transition Zone;
- Elimination of the Industrial classification; and
- Elimination of the institutional classification;

In addition, the map has been modified to address existing uses that have developed in contrast to the general plan

### **Discussion/Next Steps**

Staff is revising the General plan land use chapter text to reflect the changes in the map. The key modification involves incorporation of the City Center and 40<sup>th</sup> Street Transition segments from the 2008 plan into the chapter. Once complete, draft copies of the text and map will be provided to the commissioner for their consideration.

It should be noted that the revised chapter being prepared will reflect the cumulative vision and direction contained in the three existing plans. A comprehensive revision of the entire plan, as suggested by some members of the commission, should be considered on its own merits.



**LEGEND**

- South Ogden City Boundary
- Municipality Boundary
- Low Density Residential (1- 5 Dwelling Units per Acre)
- Neighborhood Preservation (1- 8 Dwelling Units per Acre)
- Medium Density Residential (6-12 Dwelling Units per Acre)
- High Density Residential (More than 12 Dwelling Units per Acre)
- Commercial
- Office with Limited Commercial
- Employment Based Office
- City Center
- 40th St. Transition
- Open Space/Preservation
- Parks & Recreation
- Cemetery
- Government Facilities
- Schools
- Churches

**DRAFT**  
**South Ogden Updated**  
**Land Use Map 2016**

0 0.125 0.25 0.5  
 Miles



**MINUTES OF THE SOUTH OGDEN CITY  
PLANNING COMMISSION BRIEFING MEETING**

Thursday, May 12, 2016  
Council Chambers, City Hall - 5:30 P.M.

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**PLANNING COMMISSION MEMBERS PRESENT**

Chair Todd Heslop, Commissioners Steve Pruess, Susan Stewart, and Mike Layton

**STAFF PRESENT**

City Planner Mark Vlastic, Assistant to the City Manager Doug Gailey, and City Recorder Leesa Kapetanov

The briefing meeting began at 5:37 pm. Chair Todd Heslop reviewed the agenda. He then asked City Recorder Leesa Kapetanov to explain the two code changes on the agenda.

Ms. Kapetanov explained the code changes were just making corrections to ordinances the Commission had previously looked at, but that needs some “cleaning up”. In Title 11 (the Subdivision Ordinance) staff had found other mention of the city council having to make approvals, when they had previously asked to be taken out of the approval process. The changes to Title 10 were putting multiple buildings on a single lot and multiple family dwellings that were over a certain number of units, back into the R-4 and above zones as conditional uses. Some of the higher residential zones also allowed unlimited building heights while others limited heights to 3 stories. Staff had felt they should all be consistent and limited to 3 stories; that would make them work better with the soon to be adopted Form Based Code. There was some discussion on how stories were measured.

The commissioners then discussed the rezone request. City Recorder Kapetanov reminded the commissioners the applicant had made the same request for the rezone 3 years ago; although the planning commission had recommended approval, the city council had denied the zoning. City Planner Vlastic pointed out the area was not very desirable for commercial uses although it was zoned commercial. He felt a high density residential use would serve as a good buffer between the existing commercial and the single family homes across the street. He recommended approval.

The next item for discussion was the request for a conditional use for a hotel. Planner Vlastic said he had gone through the code and addressed each item in his report. The applicant seemed to meet the requirements. There were some questions concerning the power lines that spanned the property. Mr. Vlastic said the applicant had a letter from the power company giving permission for the development. He recommended approval as long as the conditions in his report were met. Planner Stewart pointed out that sidewalk did not exist from the corner of 900 East to the hospital on the other side of the requested hotel. There was discussion on requiring a sidewalk. It was also noted the engineer had requested a traffic study be done.

44 City Recorder Leesa Kapetanov then discussed the proximity requirements, stating that the City  
45 had none written in code, except for notices sent under the subdivision ordinance. The state  
46 required that notices be sent to those directly affected by a land use change, but allowed each  
47 city to determine if notices should be sent to those within a certain distance. The item was on  
48 the agenda to see if the commissioners wanted to direct staff to give recommendations and put it  
49 on the agenda for further discussion.

50 There was then further discussion on the conditional use for a hotel, landscaping and the  
51 sidewalk.

52 Chair Heslop then asked about the voting that evening. Recorder Kapetanov informed the  
53 commissioners that since there were only 4 of them present that evening, they would have to  
54 each vote in favor of an item in order for it to pass. The chair would also be required to vote on  
55 each item.

56 There was no more discussion.

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I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Briefing Meeting held Thursday, May 12, 2016.

  
Leesa Kapetanov, City Recorder

\_\_\_\_\_  
Date Approved by the Planning Commission



**MINUTES OF THE SOUTH OGDEN CITY  
PLANNING COMMISSION MEETING**

Thursday, May 12, 2016  
Council Chambers, City Hall –6:15 p.m.

**PLANNING COMMISSION MEMBERS PRESENT**

Chair Todd Heslop, Commissioners Steve Pruess, Susan Stewart, and Mike Layton

**STAFF PRESENT**

City Planner Mark Vlasic, Assistant to the City Manager Doug Gailey and City Recorder Leesa Kapetanov

**OTHERS PRESENT**

Goodell, Carter Randall, Jerry Cottrell, K. White, Tim Von Bon, Bybee, Kurt Halverson, Matt Lowe, Rob Nye, Robert Nye, Verg Toller, Jeff Von Coln, Walt Bausman

**I. CALL TO ORDER AND OVERVIEW OF MEETING PROCEDURES**

Chair Todd Heslop began the meeting at 6:21 pm and welcomed those present. He then called for a motion to open the meeting.

**Commissioner Pruess moved to open the meeting, followed by a second from Commissioner Layton. Commissioners Stewart, Layton, Heslop and Pruess all voted aye.**

Chair Heslop read through the items on the agenda. He then reviewed the procedures for the public hearing and called for a motion to open the public hearing.

**Commissioner Pruess moved to open the public hearing. The motion was seconded by Commissioner Layton. The vote was unanimous to open the public hearing.**

**II. ZONING PUBLIC HEARINGS**

**A. Proposed Amendments to Title 11 of the City Code Making Corrections to Remove the City Council from the Subdivision Approval Process**

The chair invited City Planner Mark Vlasic to speak to this item. Mr. Vlasic explained the City Council had previously asked the Planning Commission to remove them from the subdivision approval process. The Planning Commission had done so, but staff had recently found some approvals that had been overlooked and still needed to be removed. The proposed amendments would remove the inconsistencies.

47 Chair Heslop invited anyone who wished to come forward to speak to this item to do so.  
48 No one came forward.

49  
50 **B. Proposed Amendments to Title 10, Chapter 7, Articles E, E1, F, G and H**

51 City Planner Vlastic introduced this item by reminding the commissioners they had worked  
52 earlier on the uses in the residential zones. One of the changes was removing multiple  
53 buildings on a single lot and multiple family dwellings that were over a certain number of  
54 units as conditional uses, thinking that the applicant should ask for a change to a higher  
55 density zone instead. However, if a development was large enough, it still might meet  
56 density requirements but exceed the number of allowed units. Staff recommended that  
57 they be added back in as conditional uses. Height limits in the zones had also been  
58 inconsistent, so it was suggested they all be limited to 3 stories; this would be more in line  
59 with the Form Based Code.

60  
61 The chair invited those who wished to speak to this item to come forward. There were no  
62 comments.

63  
64 **C. Request for Zoning Map Amendment for Parcels 07-717-0006 and 07-717-004**

65 **Located at Approximately 5985 Wasatch Drive, Changing Them From C-2 to R-5B**

66 Mr. Vlastic explained the request for the rezone, saying that staff felt the area was not the  
67 best place for commercial uses; that might have been the reason the lots had not been  
68 developed. He felt that high density residential uses would be a better transition to the  
69 residential lots across the street. He read through the allowed and conditional uses in an  
70 R-5B zone, stating there were similar uses already in the area. He recommended the  
71 rezone be forwarded to the city council for their approval. He also reminded the  
72 commissioners they had forwarded the same rezone request for the same parcels a few  
73 years earlier, but the council had denied it.

74  
75 Chair Heslop invited anyone who wished to come forward and speak to the rezone.

76 **Kirk Halverson, speaking on behalf of his father who owned property directly north**  
77 **of the property being considered for rezone** – Mr. Halverson said his father could not be  
78 present, but wanted the property to remain commercial.

79 **Verg Toller, Bonneville Collections** – had questions concerning an existing easement for  
80 a road to connect Fashion Pointe Drive with Wasatch Drive. He said he was neither for  
81 nor against the rezone. He just wanted to know the status of the road.

82 **Matt Lowe, applicant** – stated that the intent was to extend the private road to Wasatch  
83 Drive.

84 **Kim White, 5980 Wasatch Drive** – his concern was that buildings would be built too high  
85 on the property. He wanted any development to be single story as it would block his view.

86 There were no more comments from the public; however Commissioner Layton asked Mr.  
87 Halverson if there was an economic advantage to his father if this property remained  
88 commercial.

89 **Kirk Halverson** – said his father felt his property would be more valuable if the areas  
90 around it remained commercial. He was hoping to sell it to a commercial developer  
91 wanting to do a large project.

92 Commissioner Layton asked staff why the council did not approve the rezone. City  
93 Recorder Kapetanov stated that at the time, the council had wanted the few remaining  
94 commercial properties to remain commercial.

95 City Planner Mark Vlastic commented that the proposed R-5B zone limited building  
96 heights to 3 stories, whereas the current commercial zone had no limit on building heights.  
97 He also pointed out that the proposed R-5B zone was much more restrictive on permitted  
98 uses.

99 Chair Heslop called for a motion to close the public hearing.

100  
101 **Commissioner Pruess moved to close the public hearing. Commissioner Layton**  
102 **seconded the motion. The voice vote was unanimous in favor of the motion.**

103  
104  
105 **III. ZONING ACTIONS - Legislative**

106 **A. Consideration and Recommendation on Proposed Amendments to Title 11 of the**  
107 **City Code**

108 The chair asked if there was any more discussion on this item, and seeing none, he called  
109 for a motion.

110 **Commissioner Layton moved to forward the proposed amendments to the city**  
111 **council for their consideration. Commissioner Pruess seconded the motion. The**  
112 **chair then made a roll call vote.**

113	<b>Commissioner Layton-</b>	<b>Aye</b>
114	<b>Commissioner Pruess-</b>	<b>Aye</b>
115	<b>Commissioner Stewart-</b>	<b>Aye</b>
116	<b>Chair Heslop-</b>	<b>Aye</b>

117  
118 **B. Consideration and Recommendation on Proposed Amendments to Title 10, Chapter**  
119 **7, Articles E, E1, F, G and H**

120 Commissioner Stewart pointed out the intent listed on the R-4A zone did not list anything  
121 about residential and wondered if it should be included. There was some discussion  
122 concerning the R-4A zone and its intent. Commissioner Pruess pointed out  
123 Commissioner Stewart could include the change to the wording in her motion.

124  
125 **Commissioner Stewart moved to adjust the verbiage in the purpose and intent of the**  
126 **R-4A zone to include higher density residential. City Recorder Kapetanov asked**  
127 **Commissioner Stewart if she wanted to add that the other amendments be forwarded to the**  
128 **city council. Commissioner Stewart stated she would like to keep her motion as is. Chair**  
129 **Heslop then asked if there was a second to Commissioner Stewart's motion.**  
130 **Commissioner Layton seconded the motion. A roll call vote was made.**



131 Commissioner Layton- Yes  
132 Commissioner Pruess- Aye  
133 Chair Heslop- Aye  
134 Commissioner Stewart- Aye  
135

136 **The motion carried.**

137  
138 Chair Heslop asked if there was a motion concerning the other items.  
139

140 **Commissioner Pruess moved to recommend to the city council the approval of Title**  
141 **10, Articles E, E1, F, G, and H. The motion was seconded by Commissioner**  
142 **Stewart. The chair called the vote:**

143  
144 Commissioner Layton- Aye  
145 Commissioner Pruess- Aye  
146 Chair Heslop- Aye  
147 Commissioner Stewart- Aye  
148

149 **The vote was unanimous.**

150  
151 **C. Consideration and Recommendation of Request for Zoning Map Amendment for**  
152 **Parcels 07-717-003 and 07-717-004 Located at Approximately 5985 Wasatch Drive,**  
153 **Rezoning Them From C-2 to R-5B**

154 The chair asked if there was a motion concerning this item.  
155

156 **Commissioner Pruess moved to recommend the request for a zoning map**  
157 **amendment for Parcels 07-717-003 and 07-717-004 located at approximately 5985**  
158 **Wasatch Drive, rezoning them from C-2 to R-5B, which was more restrictive and**  
159 **reduced the height. Commissioner Layton seconded the motion. Chair Heslop**  
160 **called the vote:**

161  
162 Commissioner Layton- Aye  
163 Commissioner Pruess- Aye  
164 Chair Heslop- Aye  
165 Commissioner Stewart- Aye  
166

167 **The motion was approved.**

168  
169 **IV. CONDITIONAL USE ACTIONS - Administrative**

170 City Planner Vlasic reviewed the application, noting there was a large power line running through  
171 the property from east to west. The applicant had submitted verification that the layout of the  
172 building is acceptable to the power company. Mr. Vlasic reminded the commissioners the purpose

173 of a conditional use permit was to allow the evaluation of a proposed use to make sure any impacts  
174 or detriments to the city and surrounding properties were mitigated. He reviewed a checklist of  
175 requirements set out in the city code concerning conditional uses and explained if the application  
176 met the requirements or not. He noted that one of his recommendations had been that the site plan  
177 provide a connection from the back of the hotel to the sidewalk in front, however there was  
178 currently not a sidewalk along the street. Planner Vlasic said it would be up to the planning  
179 commission to decide if a sidewalk should have to be installed or not. Staff recommended  
180 approval with the following conditions: 1) the landscape be redesigned according to the City's  
181 water efficient landscape requirements, 2) that the requirements of the engineer and fire department  
182 be met, 3) at least two connections with the public sidewalk on 40<sup>th</sup> Street be provided (if the  
183 Commission determined they would require it), 4) that official verification that access through the  
184 parking lots to the west would be provided, and 5) official verification from the power company  
185 that they have reviewed the site plan and are satisfied that all health and safety requirements are  
186 met.

187 Chair Heslop invited the applicant to come forward and address the concerns of staff. Jacob  
188 Goodell came forward. He answered several questions from the Commission, noting that  
189 changing the landscape plan would not be an issue. They were still determining how the sidewalk  
190 would be handled, as they may use the building itself to retain the ground, rather than install the  
191 retention wall as noted on the site plan. They would have to work out the width and placement of  
192 the sidewalk when they figured out how the ground would be retained.

193 Commissioner Pruess then asked about the power lines that ran across the property. Staff pulled  
194 up an aerial picture showing the power lines. They were near the rear of the property where the  
195 parking would be located, not over the building itself. Mr. Goodell answered several other  
196 questions, including the number of rooms and parking. The Commission also discussed the need  
197 for a traffic study as recommended by the engineer. They felt the traffic study should be required  
198 to determine if the 2 accesses off of 900 East would be adequate.

199 The Commission then discussed the landscaping requirements and how they would fit in with the  
200 40<sup>th</sup> Street Project. There was no more discussion. Chair Heslop called for a motion.

201  
202 **Commissioner Pruess moved to approve the conditional use for a hotel with the following**  
203 **conditions: the landscaping be redesigned to meet the requirements of the city's water**  
204 **efficient landscape ordinance; positive recommendations be received from the fire**  
205 **department and engineer; if changes are made to the cross-access agreement a copy of the**  
206 **new agreement be given to the city; two connections be made to the public sidewalk on 40<sup>th</sup>**  
207 **Street; verification be received from the power company that the site plan meets all health**  
208 **and safety requirements; a traffic study be made; and a public sidewalk be required along**  
209 **40<sup>th</sup> Street. Commissioner Layton seconded the motion. Chair Heslop made a roll call**  
210 **vote.**

211  
212 **Commissioner Layton- Aye**  
213 **Commissioner Pruess- Aye**  
214 **Chair Heslop- Aye**  
215 **Commissioner Stewart- Aye**

216           **The conditional use permit for the hotel was approved.**  
217

218  
219   **V.    SPECIAL ITEMS**

220           **A. Discussion on Proximity Requirements for Noticing**

221           City Recorder Leesa Kapetanov spoke to this item. She informed the Commissioners the  
222           City currently had no proximity requirements for noticing, saying that state code required  
223           notices to properties directly affected by land use amendments, but left proximity noticing  
224           up to each city. Many cities had proximity requirements, such as notifying property  
225           owners within 300 or 500 feet. Ms. Kapetanov asked if the Commission wanted to put it on  
226           their agenda for future discussion.  
227

228                   **Commissioner Layton felt that noticing residents was important and moved to put this**  
229                   **on the next agenda for consideration. The motion was seconded by Commissioner**  
230                   **Pruess. The voice vote was unanimous in favor of the motion.**  
231

232  
233   **VI.   OTHER BUSINESS**

234           Commissioner Pruess stated he would like to put discussion concerning the Planning  
235           Commission's compensation on a future agenda in response to an email received from  
236           Commissioner Rounds. Discussion was held as to when it would be best to discuss the matter,  
237           taking into consideration the budget and the attendance of Commissioner Rounds. The  
238           Commissioners determined it should be on the agenda for their next meeting.

239           Commissioner Stewart then asked the status of the work being done on the General Plan. Mr.  
240           Vlasic said his work schedule had been full, but he hoped to have something in the next few  
241           months. There was discussion on if the public should be involved in the updates to the Plan or  
242           how extensive it would be. Mr. Vlasic said his work on it was more extensive than he had  
243           originally thought but did not know if it was extensive enough to go through a whole public  
244           involvement process. He stated regular updates of the General Plan were crucial for cities that  
245           were growing and had a lot of development, but South Ogden was nearly built out. City Recorder  
246           Kapetanov explained the process of completely redoing the General Plan, stating that the Planning  
247           Commission would make a recommendation to the City Council to redo the Plan, and the Council  
248           would then have to budget the money if they agreed to the recommendation. Completely redoing  
249           the General Plan would be very expensive. Planner Vlasic said the City might look for and apply  
250           for grants to redo the General Plan; if cities were willing to match funds they would likely receive  
251           greater consideration for a grant. There was discussion on the current plan and how it had been  
252           updated and whether a complete redo of the General Plan was necessary. The Commission  
253           determined it should be put on the agenda for discussion in August or September.

254           City Recorder Kapetanov then reminded the Commission that they would be electing a new chair  
255           and vice chair at their June meeting.  
256  
257

258 **VII. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

259 **A. Approval of April 14, 2016 Briefing Meeting Minutes**

260 The chair called for a motion concerning the minutes.

261 **Commissioner Pruess moved to approve the April 14, 2016 briefing meeting minutes,**  
262 **followed by a second from Commissioner Layton. The voice vote was unanimous to**  
263 **approve the minutes.**

264

265 **B. Approval of April 14, 2016 Meeting Minutes**

266 **Commissioner Layton moved to approve the April 14, 2016 briefing meeting minutes.**  
267 **Commissioner Pruess seconded the motion. All present voted aye.**

268

269 Commissioner Pruess then commented on minutes of the Planning Commission and of the  
270 City Council. He noted that the April 14 minutes covered a conversation on building  
271 heights in commercial zones exactly as it took place, however, in a City Council meeting  
272 following April 14, Mr. Stewart had submitted in written comments that the conversation  
273 had been about building heights in residential zones. He felt that people reading the  
274 minutes of the City Council meeting would be misled. He wondered how it could be  
275 corrected. City Recorder Leesa Kapetanov informed Commissioner Pruess that by  
276 mentioning the incorrect statement in this meeting, it would now become part of the public  
277 minutes of this meeting.

278 Mr. Pruess also asked why Mr. Stewart had submitted so many residents' tax records,  
279 including all the Planning Commission and City Council members, as part of the minutes.  
280 Ms. Kapetanov said that the tax records were public records requested to become part of  
281 another public record (the minutes), and she was obligated to include them. She did not  
282 know the reason behind his submission.

283

284

285 **VIII. PUBLIC COMMENTS**

286 The Chair invited anyone who wished to come forward to comment.

287

288 **Jerry Cottrell, 5765 S 1075 E** – said he was unaware of Mr. Stewart's comments, but had heard  
289 comments from other people that virtually all the decision makers were from the south end of the  
290 City.

291

292 **Walt Bausman, 5792 S 1075 E** – it was his understanding that the information given to the City  
293 Council was based on the fact that the planning being done was because of affordable housing and  
294 the lack thereof. The values of homes had increased significantly in the last 25 plus years and the  
295 basis of decision making should be revisited. The 2008 General Plan update had included tax  
296 information of homes in different areas of the City, the basis being that the homes prices in areas  
297 that might be considered blighted had increased so much they should not be used in decision  
298 making for the area anymore. He thought that was why Mr. Stewart had submitted the tax  
299 information.

300

301 There were no more public comments.

302

303

304 **IX. ADJOURN**

305 Chair Heslop called for a motion to adjourn.

306

307 **Commissioner Pruess moved to adjourn, followed by a second from Commissioner Layton.**

308 **All present voted aye.**

309

310 The meeting ended at 8:06 pm.

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346 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City Planning Commission Meeting  
347 held Thursday, May 12, 2016.

348

349   
350 Leesa Kapetanov, City Recorder

\_\_\_\_\_  
Date Approved by the Planning Commission