

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

October 3, 2017

The North Ogden Planning Commission convened in a regular meeting on October 3, 2017 at 9:25 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 September 29, 2017. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

COMMISSIONERS:

Don Waite	Chairman
Eric Thomas	Vice-Chairman (left excused)
Brandon Mason	Commissioner
Steven Prisbrey	Commissioner
Nicole Nancarrow	Commissioner (excused)
Blake Cevering	Commissioner
Scott Barker	Commissioner

STAFF:

Rob Scott	City Planner
Brandon Bell	Associate Planner
Susan Nance	Deputy City Recorder

VISITORS:

Loy Vandiver	Linda Vandiver	Jason Warnes
Leoner Warnes	Tyler Bodrero	

REGULAR MEETING

Chairman Waite called the meeting to order at 9:25 p.m. The invocation and Pledge of Allegiance were previously done during the combined work session with the City Council.

Commissioner Mason made a motion to amend the agenda to move item two, approval of minutes, to the bottom of the agenda. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Waite	yes
Commissioner Mason	yes
Commissioner Cevering	yes
Commissioner Barker	yes

The motion carried.

1. ROLL CALL

Chairman Waite conducted roll call. Vice-Chairman Thomas and Commissioner Nancarrow were excused from the meeting.

3. OPENING MEETING STATEMENT

City Planner Scott read the open meeting statement as approved by the Planning Commission prior to commencing discussion of administrative and legislative items.

4. EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE

Chairman Waite asked if any Commissioners have ex parte communications or conflicts of interest to disclose. There were no disclosures made.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

There were no public comments.

6. **ADMINISTRATIVE ITEMS:**

a. **CUP 2017-01 CONSIDERATION AND ACTION ON A CONDITIONAL USE PERMIT APPLICATION FOR A GARAGE ADDITION TO A NONCONFORMING STRUCTURE AT 1218 EAST 2600 NORTH**

A staff report 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 property owner, Jason Warnes, owns a single-family home at 1218 East 2600 North. The applicant would like to build a double car attached garage. The home was built in 1955.

The property is zoned R-1-10 and is on an interior lot with a minimum area requirement of 10,000 square feet. The lot is approximately 7,840 square feet and is non-complying. The lot is 66 feet wide; the requirement is for 90 feet. The lot is also non-complying.

The setback requirements for the R-1-10 zone are a 30 feet front setback, 10-foot minimum side yard setback with a total of 24 feet (with a double car garage both setbacks can be 10 feet), and the rear yard setback 20 feet.

The property was built with a 2-foot side yard setback on the east side of the home and is non-complying. The west side yard setback is approximately 32 feet and has a double car slab for parking.

The report discussed compliance with the City's zoning ordinance.
11-7B (Residential Zone R-1-10)

Single family dwelling is a permitted use in the R1-10 zone.

11-15-6: Extensions, Alterations, and Expansions

A. Conditions: A nonconforming building shall not be extended, substituted, altered, expanded, or enlarged in any manner, unless:

1. Such building, including such extensions and alterations, is made to conform to all of the regulations of the zone in which it is located; and
2. A conditional use permit is approved by the planning commission pursuant to CCNO 11-14-6 of this title.
3. All changes to distinguishing traits or primary features of the use of a building or land as evidenced by increased parking requirements, change of occupancy, change of outside storage or other features, occurring to existing properties after the effective date hereof, shall be subject to all of the provisions of this title.
4. The extension of a lawful use to any portion of an existing nonconforming building shall not be deemed the extension of a nonconforming use.

B. Expansion Of Nonconforming Use; Limitations: Any expansion of a nonconforming use shall be by conditional use permit subject to the following limitations:

1. No nonconforming use shall be extended to displace a conforming use.
2. A nonconforming use of a building or lot shall not be changed to another nonconforming use whatsoever. Changes in use shall be made only to a conforming use.

Staff Comment: Staff has determined that the above provision allows for the enlargement of this use because it can meet the setback standards, both front and side yard, 30 feet and 10 feet respectively. Expansion of a non-complying use shall be done by conditional use permit.

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: Single family homes with attached garages are allowed uses in the R-1-10 zone.

- B. Such use will not, under the circumstances of the particular case and the conditions 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 proposed garage location is in the same location as the existing parking.

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

Staff Comment: The garage addition can meet the North Ogden City setback zoning requirements.

- D. The proposed use conforms to the goals, policies and governing principles of the master plan for the city.

Staff Comment: The proposed garage is an allowed use in the R-1-10 zone and is consistent with the General Plan.

The report discussed conformance with the General Plan. The above described application conforms to the North Ogden City General Plan. This area is identified as a residential low density; city ordinances allow single family dwellings as a permitted use.

The report provided the following summary of potential Planning Commission considerations:

- Does the proposed use meet the requirements of the applicable City Ordinances?

Recommended conditions of approval include ensuring compliance with North Ogden zoning ordinance.

The report concluded staff believes the Planning Commission can find that the Warnes garage addition can meet the North Ogden City Zoning standards and approve the expansion of the attached garage subject to demonstrating that the front and side yard setbacks are complied with. The applicant may have to have the property line identified by survey.

Mr. Scott reviewed his staff report.

Chairman Waite asked if it is an accurate assessment that the lot and home are basically nonconforming, but the garage that the applicant would like to build can be built in a manner that does conform with City ordinances. Mr. Scott answered yes, that is the conclusion staff came to and that is why he has recommended approval.

Commissioner Mason stated he would like to hear from the applicant before engaging in detailed discussion about the application.

Jason Warnes, Applicant, 1218 E. 2600 N., stated that he spoke with the previous owner of the property to the west of his home; they built the garage on that property and their setback is 31 feet from the back of sidewalk to the front of the garage. He added that his garage has been designed to conform with the requirements for the R-1-10 zoning designation in the City.

Commissioner Mason made a motion to approve the application for a conditional use permit for a garage addition to a nonconforming structure at 1218 East 2600 North, based on the findings and subject to the conditions listed in the staff report. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Waite	yes
Commissioner Mason	yes
Commissioner Covering	yes
Commissioner Barker	yes

The motion carried.

b. SPR 2017-07 CONSIDERATION AND ACTION ON A SITE PLAN REVIEW APPLICATION FOR THE EXPANSION OF THE MONTESSORI SCHOOL LOACTED AT 2550 NORTH 200 EAST

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 the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant is requesting approval of an addition to the Maria Montessori School to add a junior high component. The current building is 30,996 square feet and the addition will add 37,499 square feet for a total of 68,495 square feet. The addition is to be added on the south side of the building.

The building height will be approximately 25 feet; the R-4 zone allows a maximum of 35 feet. The building materials are similar in type and color as the existing school building.

The ordinance parking requirement is two stalls per classroom. There are 20 existing classrooms with a proposed 11 new classrooms and a future 1 additional classroom. The requirement is 64 stalls. There are currently 103 stalls on campus and this meets the parking requirement.

The property is located on two parcels. The northerly parcel has the existing school and expansion upon it. The southerly parcel has a sports field and detention basin. The southerly parcel has curb and gutter but not sidewalk. The sidewalk should be extended to the south boundary.

If future buildings cross the property line between the parcels a boundary line adjustment will need to be approved to combine the parcels.

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

- Does the proposed site plan meet the requirements of the applicable City subdivision and zoning Ordinances?

The memo discussed the application's conformance with the General Plan; the proposed site meets the requirements of applicable North Ogden city ordinances and conforms to the North Ogden City General Plan. The General Plan map designation is Downtown Mixed use. "An area with mixed use characteristics that includes grad type blocks where walkability is a primary focus of the area. Private schools are a permitted use in the R-4 zone.

Recommended condition(s) of approval include:

- Extending the sidewalk along 200 East.

The memo concluded staff recommends final approval of the site plan for the Maria Montessori addition, subject to constructing sidewalk along 200 East.

Mr. Scott reviewed his staff memo.

Chairman Waite invited input from the applicant.

Tyler Bodrero, 3248 S. 750 W., Syracuse, reviewed the history of the development of the Montessori school in North Ogden; the school has enjoyed great success in this

community and there were always plans to expand in the future as student enrollment numbers escalated. Property was acquired two years ago to provide for the expansion and parking areas have also been expanded to accommodate the growth. He reviewed the site plan to illustrate the traffic circulation plans for the site and indicated he feels the expansion will help to reduce traffic problems in the neighborhood and on 2550 North. He stated the plan is to complete construction prior to August 2018 before the beginning of the next school year. He also identified the two ingress/egress points on the site and discussed efforts made to align these points with those on the City's property at the aquatic center.

Commissioner Mason inquired as to the amount by which the student population of the school will increase. Mr. Bodrero stated that the current population is approximately 550, but some of those students are housed in portable classrooms; those classrooms will be eliminated by the expansion, but the student population should not grow to much more than 600. He then discussed the facilities in addition to the classrooms that will be included in the space to be added to the school. Commissioner Mason stated that residents living east of the school have expressed concern about traffic on 2550 North and he asked about the increase in student population to determine whether this application will result in increased traffic problems. He stated that if the student population will not increase dramatically, this application should not negatively impact the surrounding neighborhood. Mr. Bodrero stated that is correct and added that the adjustments to the traffic circulation plan on the site will actually help to address some of the traffic concerns in the area.

Commissioner Prisbrey made a motion to approve application 2017-07 for the site plan for the expansion of the Montessori School located at 2550 North 200 East, based on the findings and subject to the conditions listed in the staff report. Commissioner Cevering seconded the motion.

Commissioner Mason asked staff to identify the proposed location of the 200 East sidewalk on the site plan. Mr. Scott did so using the aid of the site plan.

Voting on the motion:

Chairman Waite	yes
Commissioner Mason	yes
Commissioner Cevering	yes
Commissioner Barker	yes

The motion carried.

7. LEGISLATIVE ITEMS:

a. DISCUSSION ON AN AMENDMENT TO THE COMMERCIAL ZONES TO ALLOW RESIDENTIAL USES

With the absence of a staff report, City Planner Scott introduced the agenda item; he stated that Linda and Lloyd Vandiver, owners of the All Aflutter business at 1933 N. Washington Boulevard would like to build a home at their business property. He reviewed photographs of the All Aflutter property and noted that City ordinance currently does not allow this type of land use, but there may be some options to consider All Aflutter's request in the near future. There has been significant discussion as of late regarding mixed-use zoning in the City and options for proceeding include waiting for adoption of the form based code or proceeding with a text amendment that would allow for a single-residential unit associated with a commercial operation in the City. He stated he has not conducted enough research to advise the Planning Commission regarding how to proceed, but he facilitated a discussion among the group regarding their feelings about the applicant's request.

Commissioner Mason stated that he understands the desire to keep commercial uses out of residential neighborhoods, but if someone desires to build their home in a commercial area he is comfortable with that type of action. Chairman Waite agreed, but added that he is not entirely opposed to certain commercial uses in residential areas. After brief high level discussion about the appropriateness of allowing residential uses in association with commercial uses in certain zones, the Commission indicated they are comfortable considering All Aflutter's request, but asked that staff conduct research into this type of land use in other communities to determine unintended consequences or any negative aspects that may arise in the future.

Ms. Vandiver stated that the All Aflutter business has struggled somewhat and she and her husband would like to sell their home and build a small flat at their business location to allow for them to continue to improve the property and keep their business alive. She added that she has been concerned about the neighboring property owner developing his property for use as a service station.

Commissioner Mason stated that he fully supports Ms. Vandiver's request, but he would like to craft an ordinance in a responsible manner to prevent any negative circumstances that could occur in the future. The Planning Commission continued discussion about certain regulations that should be considered for a residential use in a commercial zone, such as setbacks and landscaping.

8. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA:

There were no public comments.

2. MINUTES APPROVAL

The Planning Commission discussed the section of the minutes dealing with approval of the site plan for the amphitheater building at Barker Park. City Attorney Call stated that residents have questioned the approval that was granted and he wanted to ensure that the

motion language included in the minutes is accurate. The Commission indicated they felt the minutes accurately capture the discussion of the site plan and parking/landscaping requirements associated with the project.

Commissioner Mason then recommended a correction on page 26 of the minutes; the minutes indicate that he asked an applicant, Mr. Barrett, if he were willing to consider a suggestion that a stipulation be placed on the property limiting the number of rental units allowed in his project. He stated that he does not recall asking that question, but he did recall asking Mr. Barrett if he had ever heard of that type of stipulation and Mr. Barrett pontificated about the matter. He stated that he would like the minutes to be amended to indicate that he had simply asked Mr. Barrett if he had ever seen a stipulation on other developments limiting the number of rental units. He stated that the reason he wants the issue clarified is that he does not want someone to read the minutes and feel that he took the angle of limiting the number of rental units in the Village at Prominence Point project.

Commissioner Mason made a motion to approve the minutes of the September 20, 2017 meeting as amended. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Waite	yes
Commissioner Mason	yes
Commissioner Cevering	yes
Commissioner Barker	yes

The motion carried.

9. REMARKS FROM PLANNING COMMISSIONERS

Commissioner Mason noted the popularity of the Pickleball courts in Pleasant View City.

10. REPORT OF CITY PLANNER

There were no additional comments from the City Planner.

11. REMARKS FROM CITY ATTORNEY

There were no additional remarks from the City Attorney.

12. ADJOURNMENT

Commissioner Prisbrey made a motion to adjourn, Commissioner Mason seconded the motion.

Voting on the motion:

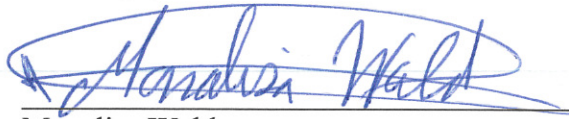
Chairman Waite	yes
Commissioner Mason	yes
Commissioner Cevering	yes
Commissioner Barker	yes

The motion carried.

The meeting adjourned at 10:38 pm



Planning Commission Chair



Monalisa Wald
Administrative Assistant

10/18/17

Date approved