

**NORTH OGDEN CITY COUNCIL & PLANNING COMMISSION JOINT
MEETING MINUTES**

October 3, 2017

The North Ogden City Council convened in an open meeting on October 3, 2017 at 6:04 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on September 28, 2017. Notice of the annual meeting schedule was published in the Standard-Examiner on January 1, 2017.

PRESENT:	Brent Taylor	Mayor	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	
	James Urry	Council Member	
	Don Waite	Chairman	
	Eric Thomas	Vice-Chairman	
	K. Scott Barker	Commissioner	
	Blake Cevering	Commissioner	
Nicole Nancarrow	Commissioner		
Brandon Mason	Commissioner		
Steven Prisbrey	Commissioner		
STAFF PRESENT:	Jon Call	City Administrator/Attorney	
	Annette Spendlove	City Recorder/HR Director	
	Evan Nelson	Finance Director	
	Rob Scott	City Planner	
VISITORS:	Susan Clements	Rick Scadden	Lori Lee
	Julie Anderson	Dale Anderson	Jack Barrett
	Leonard Looney	Bob Buswell	Sherry Hullinger
	Jay Hullinger	Brenda Upright	Aiden Barrett
	Farley Merkley	Scott Rackham	Tyson Lund
	Christina Watson	Jonathon Call	Robert Watson
	Ivan Barker	Jason Barker	Jill Smith
	Tim Van Derrack	Jeff Jackson	

Mayor Taylor called the meeting to order. Council Member Turner offered the invocation and led the audience in the Pledge of Allegiance.

PUBLIC COMMENTS

Jonathan Call, 1895 N. 300 E., stated that he and his neighbors want to encourage the City Council and Planning Commission to adhere to the City's codes and ordinances and not deviate from them when considering items on the agenda tonight.

Brenda Upright, representative of Republic Services, stated that her company provides trash and recycling services to North Ogden residents. She stated she wanted to stop by and say hello to the Council and those in attendance and express her gratitude for the City's business. She added she also provided light refreshments.

Farley Merkley, 185 W. Elberta Drive, stated he has been an accountant and auditor for 38 years, with 14 years in the banking industry and one of the things he has watched closely is the real estate/economic recession trends and patterns. He noted that real estate has already started to decline and his daughter, who is a realtor, has indicated the same. Over the course of his career he has seen this happen three different times and one of the things that concerns him is that he always hears people say that it is necessary to get into high density housing when a downturn begins. He stated that people think that this housing type is needed so that their children can afford housing in the city they grew up in. He stated that in the three times that recessions have concluded, the opposite was true and he feels the same thing will happen again. He stated that he can understand the need for commercial and retail development along Washington Boulevard and on 2600 North west of Washington Boulevard, but he sees a problem with high density housing. He stated that the first generation of tenants of a high-density housing development may be great and the same may be true for the second generation, but problems occur in the third and fourth generations. The tax base coming into the City from the proposed Village at Prominence Point project will not offset the crime and infrastructure costs the City will have five, 10, or 20 years down the road; the problems will creep in as they have everywhere else. He suggested that the City consider the request to 'cram' so many people – 1,000 to 2,000 – into a property that is a square mile in size; this will set the City up for trouble because when people are packed in too tight there will be problems with security and comfortability. He referenced similar projects in other communities, such as Ogden City, that are now prime locations for gang and other criminal activity and he does not want that problem to creep into North Ogden. He then stated there was a disturbance in front of his property recently that involved a vehicle, several police vehicles, and a tow truck and when he asked an officer what was happening, he was told it was a routine traffic stop. He stated that he did not appreciate that 'lie' and it is important that residents be informed about what is occurring in front of their homes in the event that they need to be more vigilant in protecting their property from danger. He thanked the Mayor and Council for the service they provide, but noted he is very concerned about the proposal for so much high-density housing. He concluded that there is a problem with racoons, squirrels, and skunks in the City and he has been informed that he cannot shoot the animals on his property, but he can drown them. He stated he would prefer that he have the right to deal with an animal in a more humane manner than drowning it.

Jill Smith stated she is not a North Ogden resident, though she previously lived in North Ogden. She is currently dwelling in her daughter's basement. She stated the project the Council and Planning Commission are discussing tonight is something that would benefit her and others in her demographic. She stated she became an 'empty-nester' when her daughter was married in June and at that time she placed her 2,200-square foot home on the market to downsize into a smaller townhome or condominium and she particularly likes the layout and design of those behind the Walker Theater on Washington Boulevard, but there are none available and every time one goes on the market, it is purchased immediately. Because of the fact that her home sold in eight days and she cannot find the type of home she is looking for, she was forced to move out of North Ogden and she did not want to do that. She loves North Ogden and when she heard of this project she felt it would be perfect for those in her demographics; in the City there are many long-term residents that are getting older and they want to downsize and many of them may be forced to leave North Ogden in order to accomplish that. She stated this project is a good opportunity to keep the residents here and accommodate their new lifestyle and change of circumstances.

Christina Watson, 1820 N. 100 E., asked that the City consider dividing the six parcels into two different zones rather than assigning the Master Planned Community (MPC) zone to all of the property. She stated that the MPC zone could be located closer to Washington Boulevard with single-family zoning further to the west near existing single-family neighborhoods. She is worried about having a four-story independent living development in her backyard as that would not be the best view from her property. She asked that component of the development be forced further to the east. She then stated that she does not feel that the developer should be allowed to rely upon street parking on 1700 North to reach the required parking ratio for the project since those parking spaces will not be available in the winter months when on-street parking is prohibited.

JOINT WORK SESSION AGENDA

1. DISCUSSION ON A LEGISLATIVE APPLICATION TO REZONE PROPERTY FOR LAND LOCATED AT APPROXIMATELY 1550 NORTH WASHINGTON BLVD FROM COMMERCIAL (CP-2) TO MASTER COMMUNITY (MPC-CT)

A staff memo from City Planner Scott explained when the Planning Commission is acting in a legislative capacity as the land use authority the Planning Commission has wide discretion. Examples of legislative actions are general plan, annexation, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision related to a legislative matter requires compatibility with the general plan and existing codes.

The applicant owns two parcels at approximately 1550 North Washington Boulevard to the south of the Walker Theaters and west of the Cold Creek Village PRUD. The two parcels total approximately 6.43 acres. The southern parcel is currently in Ogden City; an interlocal agreement is proposed to transfer this parcel within the North Ogden City limits.

The purpose of the MPC zone is stated in 11-7K-1 Purpose:

The purpose of the Master Planned Community Zone is to provide opportunities for creative and unique developments within North Ogden City. This ordinance includes guidelines for creating neighborhood oriented village projects that may include a mix of residential, commercial, recreational and/or public uses.

An integral part of this Zone is a multistep review process to assure compatibility of proposed land uses with existing, and proposed adjacent neighborhoods, as well as the vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and walkable neighborhood centers, with integrated streets.

Proposed plans for development must follow or exceed design standards found within this ordinance. Specific plans shall be a reflection of a required development agreement.

The purpose of this joint Planning Commission and City Council work session is to review the Coopers Towne project and identify issues for the applicant to address.

The Coopers Towne project is a mixed-use project with a combination of commercial, apartments and townhouses. A shared parking agreement is proposed with the Walker Theaters. The amenities consist of a club house, splash pad, and open space. (See Exhibits A and B)

Project Summary

Residential

Apartments	137 (1 building)
Town Homes (2 floor units)	18 units (5 buildings)
Town Homes (3 floor units)	20 units (5 buildings)
Total Units	175 units on 6.43 acres / 27.2 units per acre

Commercial

Commercial has approximately 20,000 square feet in the 1st floor of the apartment building

Parking

Residential Parking

Townhouse Garages (2 per unit) 76 stalls
Apartments
133 Surface Stalls
83 Shared with Walker Theater
Total 216 / 1.26 stalls per unit

Commercial Parking

Shared parking with surface stalls

Requirement: 1 stall per 200 square feet or 5 stalls per 1,000 square feet of commercial = 100 stalls

Architectural Design and Materials

The applicant has given a building elevation for the commercial / apartment building. Materials are yet to be identified.

Landscaping

The landscaping plan is yet to be designed. There is a minimum 20% requirement.

Streets

1525 North will be a public street and will be extended to Washington Boulevard. UDOT approval is required.

Building Placement and Massing

A 25-foot building setback from Washington Boulevard is shown. This setback should be 0 to 10 feet on Washington Boulevard. 1525 North needs a minimum of 15 feet setback. Building facades should occupy 65% of the frontage facing Washington Boulevard 50% on 1525 North.

Building Height

Commercial mixed use is to be a minimum of two stories and a maximum of four stories or 50 feet.

Sidewalks

The project has sidewalks along the public streets. Walkways are not shown on the interior drives.

Landscaping

A detailed landscaping plan is required with a minimum of 20% onsite landscaping for the project.

Subdivision

The townhouse project will need to process a subdivision if these units are to be owner occupied.

Phasing

The project consists of 3 land use types: commercial, apartments, and townhouses. There may be individualized phasing plans for each of the projects.

11-7K-9 MASTER PLANNED COMMUNITY ZONE CONFLICTS WITH OTHER REQUIREMENTS IN THE CITY CODE

When the requirements of this chapter are found to be in conflict with other provisions of the City Code, the standards, requirements, and processes of this chapter shall take precedence,

especially where a development agreement has been approved. The Master Planned Community zone provides ultimate flexibility in applying design options for an applicant and the City. Where provisions conflict with existing code they may be modified in the required development agreement. There are several design issues in this project that are being requested, e.g., a modification of the parking requirement standard. As the Planning Commission reviews this project these standards should be identified and a recommendation made to the City Council regarding these modifications.

There have not been any identified requests for relief from conflicting standards at this point. Parking will need to be addressed.

11-7K-5 DEVELOPMENT STANDARDS

The development agreement will need to have the following items addressed. The specific designs as identified in 11-7K-5 Development Standards will be evaluated as part of the individual project site plan / subdivision reviews

- A. Legal Description (submitted for the overall rezone; individual legal descriptions will be required for individual projects)
- B. Site Plan
- C. Landscape Plan
- D. Floor Plans
- E. Building Elevations
- F. Site Data
- G. Building material board and color palette
- H. Fire Plan
- I. Signage
- J. Commercial Development Elevations

The memo noted the General Plan map calls for this property to be developed as Southtown Mixed Use; the MPC zone is consistent with this designation.

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?

Is the MPC request appropriate for this neighborhood?

Does the application meet the purpose / intent of the MPC zone?

What modifications for parking or other standards are appropriate?

The memo concluded staff recommends that the Planning Commission and City Council determine if the MPC zone is appropriate for the proposal and identify any issues that they desire to address in the application.

Mr. Scott reviewed his staff memo.

Mayor Taylor invited input from the applicant.

Rick Scadden, 2018 Lomond View Drive, stated that he would like to discuss the project he would like to build before spending a significant amount of time and money on a design that may not be accepted by the City. He stated he would like some feedback from the Planning Commission and City Council about what they would be comfortable with and would like to see on the property. He stated that he feels the project will have a lot of personality, it will have a high-quality design, and will be an asset to the City.

Mayor Taylor then facilitated a discussion among the Planning Commission, City Council, staff, and Mr. Scadden regarding various components of the project, such as building materials, parking requirements and the shared parking agreement with Walker Theaters, green/open space and landscaping plans, setbacks, the location of trash enclosures, street widths, the ratio of commercial space to residential space, building orientation, storm water drainage, walkability, and ingress/egress points onto Washington Boulevard from the subject property. Philosophical discussion centered on whether a multi-story apartment building is the most appropriate land use for a property that is essentially at the entrance of the City; Planning Commission Chairman Waite suggested that the City's Economic Development Committee has considered beautification efforts for the various entrance points of the City and he wondered if this desired land use is compatible with those efforts.

The City Council ultimately concluded they were not comfortable proceeding with considering the design of the proposed project until something can be done to address the parking issues with the proposed development; Council Member Swanson emphasized that .97 parking spaces per apartment unit is not adequate. He stated he is not comfortable relying upon the 83 shared parking spaces with the theater. He stated that he would prefer two parking spaces per unit. Council Members Satterthwaite and Urry agreed.

Continued high level discussion centered on maximum building height of 40-feet allowed in the MPC zone and whether that height would be appropriate for the subject property. Mr. Scadden stated that he has spoken to many residents in the vicinity of the subject property and they have offered positive feedback about what he is proposing. Council Member Swanson stated that the existing PRUD to the east already has a parking issue and he does not want to make that worse by approving another project that does not have sufficient parking.

Mayor Taylor closed the discussion by summarizing the direction of the Planning Commission and City Council; he indicated that the group is most concerned about the parking ratio, total landscaped/open space and the usability of the space, the location of trash enclosures, quality and design of the construction, and availability of parking for commercial uses. He then stated that the proposed use is the best type of use for the subject property; it is bordered on the south by a mobile-home neighborhood in Ogden City and by townhomes and a movie theater to the east and the animal hospital to the north. He does not believe that the property would ever be developed for single-family use; it is currently zoned commercial, but it has been difficult to attract commercial entities given the growth of e-commerce. The City has been focused on increasing the number of residents to support existing and future commercial entities rather than overbuilding commercial buildings that may eventually become vacant and dilapidated. He

stated the concerns that have been raised tonight are very valid, but he asked the Planning Commission and City Council to keep an open mind as plans for a beautiful project such as this is presented to the City in the form of a formal application. He thanked everyone for participating in the discussion of the proposed project.

2. DISCUSSION ON A LEGISLATIVE APPLICATION TO ASSIGN A ZONE FOR LAND LOCATED AT APPROXIMATELY 1851 NORTH WASHINGTON BOULEVARD FROM WEBER COUNTY (A-1) TO MASTER PLANNING COMMUNITY (MPC-VPP)

Mayor Taylor noted the purpose of tonight's meeting is to give the Planning Commission and City Council the opportunity to review changes that have been made to the plan for the Village at Prominence Point project since its last iteration and for the group to provide feedback to the applicant in advance of the public hearing that will be held at the Council meeting next week to take final action on the zoning for the project. There was brief high-level discussion among the Council and Planning Commission regarding the specific action they are considering relative to the subject property.

A staff memo from City Planner Scott explained when the Planning Commission is acting in a legislative capacity as the land use authority the Planning Commission has wide discretion. Examples of legislative actions are general plan, annexation, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision related to a legislative matter requires compatibility with the general plan and existing codes.

The applicant owns six parcels to the north of the existing Village at Prominence Point project that is being requested to be rezoned and added to the current project. The 6 parcels total approximately 16.575 acres in size and are located in a county island within the North Ogden City limits. The applicant is processing a concurrent annexation application to be zoned Master Planning Community Zone.

The purpose of the MPC zone is stated in 11-7K-1 Purpose:

The purpose of the Master Planned Community Zone is to provide opportunities for creative and unique developments within North Ogden City. This ordinance includes guidelines for creating neighborhood oriented village projects that may include a mix of residential, commercial, recreational and/or public uses.

An integral part of this Zone is a multistep review process to assure compatibility of proposed land uses with existing, and proposed adjacent neighborhoods, as well as the vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and walkable neighborhood centers, with integrated streets.

Proposed plans for development must follow or exceed design standards found within this ordinance. Specific plans shall be a reflection of a required development agreement. The Planning Commission and City Council held a joint work session on this amendment on April 11, 2017.

The Planning Commission held a public hearing on September 20, 2017. A summary of the site plan data, public hearing comments, and planning commission recommendation are included in this staff report.

The purpose of this joint Planning Commission and City Council work session is to review the Village at Prominence Point project and identify issues for the applicant to address as part of the upcoming public hearing on October 10, 2017.

The Village at Prominence Point, Phase 3, is a mixed-use project that is divided into 5 projects, i.e., apartments, commercial, townhomes, cottages, and independent living. The amenities consist of a club house and pool, trails, and open space. (See Exhibit B)

A summary of the project is provided below; a complete summary is attached. (See Exhibit A)

Residential Dwelling Units

The existing apartment project has 339 units. The application is requesting the following number of units:

Apartments	404 (24 buildings on 15.54 acres = 26 units per acre)
Town Homes	104 (16 buildings on 7.53 acres = 13.8 units per acre)
Cottages 2	8 (28 buildings on 4.05 acres = 6.9 units per acre)
Independent Living	68 (2 buildings on 1.62 acres = 42 units per acre)
Total Units	604 units on 32.9 acres / 18.36 units per acre

Commercial

The existing commercial buildings have 26,236 square feet; the revised plan shows 35,912 square feet.

Parking Stall Summary

Residential

Apartments (404 Units)	200 carports, 195 open spaces, 99 garages, 99 driveways = Total 593 (1.46 stalls per unit)
Town Homes (104 Units)	18 carports, 29 open spaces, 173 garages, 173 driveways = Total 393 (3.7 stalls per unit)
Cottages (28 Units)	48 garages; 48 driveways = Total 96 (2 stalls per unit)
Independent Living (68 Units)	18 carports, 29 open spaces = Total 51 (.75 stalls per unit)
Total Residential Parking Stalls	1,133 + 50 on 1700 North = 1,183 stalls

Commercial

148 / 4.11 per 1,000 square feet of commercial (including 19 on Washington Boulevard)

Total Parking Stalls

236 Carports

257 Open Spaces

320 Garages

320 Driveways

51 35% Shared Retail

50 Parallel on 1700 North

Total 1,236 / 2.04 per unit

Residents attending the public hearing were from the Roylance Farms PRUD on the north and Mystery Meadows subdivision on the west. The list of issues / concerns from the residents is below along with the Planning Commission recommendation for each issue.

1. Setback on northeast property next to Roylance Farms properties (requested reduced setback from required 35 feet to 20 feet / residents do not want the reduced setback PC recommendation: Retain the ordinance setback.
2. Request for snow removal plan / this is a PC recommended condition of approval to be included in the development agreement PC recommendation: Applicant to supply a snow removal plan / the applicant indicated they will truck snow from the site.
3. Request for a 3-dimensional drawing showing the height of the 4-story independent living project from the properties to the west and north PC recommendation: Request the applicant to supply a 3-dimensional drawing as indicated.
4. Residents do not want 300 East to extend to 1900 North PC recommendation: Approved a park in this location / requested Fire Marshall to comment on the extension.
5. Concerns about existing traffic on 1900 North / amount of traffic, speed, and access onto 1900 North is difficult PC recommendation: No specific recommendation but took this into account in their deliberations.
6. Townhouse restriction to 25% or other reasonable percentage / Legal counsel advised that this is a decision for the applicant / applicant did not want this type of restriction.
7. Suggestion to possibly extend an access point from the Big O property into the Village at Prominence Point PC recommendation: No specific recommendation but took this into account in their deliberations.
8. Access to the trail system is not desired by residents. PC recommendation: Approved the trail concept and recognized that the use of trails by adjoining residents is a personal choice.
9. Have more cottages and lesser number of units in the 2 large independent living buildings PC recommendation: No specific recommendation but took this into account in their deliberations.
10. Control parking so that parking will occur on the project site and not spill over into the neighborhood PC recommendation: No specific recommendation but took this into account in their deliberations.

The North Ogden Annexation Policy Declaration in the General Plan calls for the property to be annexed into North Ogden City. The General Plan map calls for this property to be developed as Southtown Mixed Use; the MPC zone is consistent with this designation.

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?
- Is the MPC request appropriate for this neighborhood?
- Does the application meet the purpose / intent of the MPC zone?
- Are the modifications for parking, building heights, and west roadway private street design appropriate?
- Is the development agreement acceptable?

The Planning Commission is recommending approval of the rezone request from Weber County (A-1) to Master Planning Community (MPC-VPP) recognizing that each project will have their own development agreement that address the standards in the MPC zone and the stipulations as identified above. The Planning Commission also recommended that the City Council review the individual parking ratios for the six projects. The updated numbers were not available at the time of writing the staff report. The development agreement format is yet to be determined; whether to have one development agreement for all five projects or have a master development agreement that references that each project will have a specific agreement.

Mr. Scott reviewed his staff memo and emphasized that given that certain components of the project may be sold to different owners and developed by other developers, he believes that a detailed development agreement for each component is necessary. He reiterated that there could be one over-arching development agreement for the entire project, but that each portion of the project will have a specific agreement.

Council Member Urry stated that one thing that gave him comfort over the years as the Council has discussed this project with the developer is that there would be one management company for the entire project, but if the townhome parcels may be sold to different companies, they may no longer be managed by the same management company. Mayor Taylor stated that the master development agreement for the project can require that all townhomes be managed by the same management company. There may be an opportunity for the grounds around the commercial properties to be maintained by other companies. Council Member Satterthwaite stated she shares Council Member Urry's concern regarding the lack of uniform management and maintenance of all residential units at the project. High level discussion and debate of the matter of property management ensued, after which Mr. Scott referenced page three of his staff report, which contains a summary of the concerns raised by residents and Planning Commissioners during the most recent discussions regarding the project. He facilitated discussion among the Council and Planning Commission regarding the manner in which those concerns are being addressed. There was a focus on the relationship between building heights and setbacks, the manner in which building heights shall be measured for the purpose of determining the appropriate setback, road layout and connectivity, inclusion of trails and pathways to provide walkability of the site, access to the site from Washington Boulevard, potential traffic issues associated with the residential component of the project, the percentage of the residential units that can be made available for rental versus owner-occupancy, the availability of parking and negative impacts associated with

on-street parking or spill over into existing neighborhoods, and the overall parking ratio for the project and more specifically the residential parking spaces.

Developer Jack Barrett stated that his team has been made available to the City to discuss and address all areas of the proposed development and they are following standards in place relative to fire safety, road widths, and connectivity. His team has worked with the Fire Marshall and City Engineer to ensure that these standards are being met and that decisions are not being made 'in a bubble'; the project would not pass through the Technical Review Committee if standards were not being met. He stated he started this process back in 2010 or 2011 and he has thoroughly vetted all components of the project even dating back to when it was slated for commercial/retail development. He then addressed concerns regarding the development agreement for the project and covenants, conditions, and restrictions (CCRs) to be imposed; he has a developer interested in the townhome and cottages portion of the contract, but delays will drive any interested developers away. He noted that he first looked at the site 14 years ago and he feels he has proven that he is not in the business of flipping properties; he will enter into an umbrella development agreement that creates an understanding for any future potential owners at the site. There will be one management company onsite to manage and maintain the residential buildings and that should address concerns of the Council. However, the management company will not manage the retail buildings at the site as each individual owner will be allowed to select their own management professional. He noted that it is possible to develop a common area maintenance agreement to ensure that all open space and common area within the development is maintained to a certain standard by one company to provide consistency throughout the site. He stated it is important to move forward with the project at this point because if it is delayed any longer there is the risk of it being killed and that would dissuade any future development in the community. He stated that he has made changes to his project to address concerns that have been expressed by the residents, Planning Commission, and City Council. He has decreased the number of residential units at the site and increased parking capacity, but he needs some flexibility and give-and-take relative to the setbacks and building heights. He stated that he cannot provide so many amenities at the site without getting something in return.

Council Member Urry stated that he does not want the message put out there that the City Council has stalled the project for 14 years. He stated that it is true that Mr. Barrett constructed the 1700 North extension, but the City was expecting an assisted living facility to be built on the western portion of Mr. Barrett's property and that project has not come to fruition at no fault of the City. Mr. Barrett stated it is not his fault either; his involvement in the project dates back to 2003 and he first started acquiring property in 2007.

Council Member Swanson stated that the concerns expressed regarding the setbacks on the northern boundary of the project are not old concerns; they are new concerns that resulted from recent adjustments to the layout of the site. He stated that issue did not exist when the City first considered the development agreement for the southern portion of the project. Mr. Barrett stated that is correct. Council Member Swanson stated that Mr. Barrett made the comment about 'rehashing' concerns over setbacks, but that is not an accurate statement since the issue with the northern setbacks is new. Mr. Barrett stated that his comment about 'rehashing' concerns relates

to the ongoing discussion about parking on 1700 North and management of the project. Council Member Swanson stated that he is concerned with how the project interacts with existing single-family neighborhoods to the north. Mr. Barrett inquired as to the minimum setback that would be imposed if someone was seeking approval of R-4 zoning on the property abutting the single-family neighborhoods to the north; he stated he believes the setback would be 20-feet. Mr. Scott stated that is correct and the minimum to maximum building height range allowed would be 10 feet to 35 feet.

Mayor Taylor then revisited the 10 discussion points included in Mr. Scott's staff report. He facilitated a discussion among the Council and Planning Commission to solicit their direction to staff relative to each issue. First was setbacks and Mr. Scott pointed out that the developer desires to build buildings 31-feet in height, which would require a 27-foot setback according to the MPC zoning ordinance. Relative to setbacks, the group discussed upholding the standard and imposing a 27-foot setback for the 31-foot townhome buildings on the north side of the project abutting the existing single-family neighborhoods.

A builder, Jeff Jackson, requested to address the group. He explained he is one of the prospective developers of the townhome component of the project and he noted that from a builder's standpoint, holding strong to the 27-foot setback will drive the developers in the direction of using a lower pitched roof. This can impact the architectural integrity of the buildings on the project, which makes the buildings less attractive. Mr. Scott stated that the City has not been provided with conceptual building elevations to judge the project; that is why a specific development agreement for the various components of the project would provide guidance for the Planning Commission relative to design adjustment recommendations to the City Council. He stated he believes it is not necessary for the group to define the setback/building heights tonight and that decision could be delayed until building elevations are provided as part of the final approval application for the project. Council Member Swanson stated he does not want to 'kick the can further down the road'. He stated he understands the need for an adequate setback to provide a transition between the single-family neighborhoods and higher density land use. He stated there are just three buildings that are closer to single-family homes or twin homes to the north. Council Members Turner and Urry stated they are comfortable with a 20-foot setback as requested by the applicant if the purpose of the setback is simply to provide a transition between land uses. Mr. Scott stated that the City's PRUD ordinance requires a minimum 30-foot setback for all buildings at the periphery of the development, but the MPC zone provides the City with flexibility relative to setbacks and building heights. If the MPC zone were not assigned to the subject property, it would automatically be classified as a PRUD since it is more than five acres in size.

Council Member Stoker stated she would rather approve the requested 20-foot setback than give up green space elsewhere in the development; she feels the green space is what will create a community feeling within the project. Council Member Swanson stated that he is comfortable with the 20-foot setback as well based on the reasoning provided by other Council Members. The Council reached consensus to tentatively authorize the request for a 20-foot setback on the north end of the development.

Mayor Taylor then focused the discussion on the issue of the snow removal plan. The Council reached consensus that they are comfortable with the Planning Commission's recommendation that the development agreement include a snow removal plan, which will include trucking snow from the site.

Mayor Taylor referenced item three relative to the height of the independent living facility buildings; the developer has made a modified proposal for the westernmost building to be three stories in height, stepping up to four stories in height in the eastern building. The Council indicated they are comfortable with that stepping as illustrated in the drawings.

Mayor Taylor referenced item four relative to the extension of 300 East through private property to 1900 North. He stated the City has approached the private property owners and they were unwilling to sell the property and he does not believe the City should proceed with condemnation of the property to facilitate the connection. It is his recommendation that 300 East be classified as a private road at this time with no connection through to 1900 North, but that property be preserved in that area to provide for the connection if it is deemed necessary based on safety and traffic issues that may arise in the future. The Council engaged in philosophical discussion regarding the need for connectivity to 1900 North and ultimately concluded they are comfortable with Mayor Taylor's recommendation against condemnation of the property to provide the connection.

Mayor Taylor moved to item five, concerns about traffic on 1900 North, and stated that he takes the same stance as the Planning Commission in that there is no need for a specific recommendation regarding the matter, but that the issue and resident concerns are taken into account by the City. He then discussed item six, restricting the percentage of townhome units that can be classified as rental properties as opposed to owner-occupied. The City Attorney has indicated this is not something the City can impose and that this is a decision for the applicant. City Attorney Call stated that he does not believe the City should become involved in legislating limitations relative to rental or owner-occupancy of the units. Council Member Urry stated that he believes the concerns expressed regarding rental units are legitimate and he sympathizes with those that have shared those concerns. Council Members Satterthwaite and Swanson stated that they also understand the concerns, but they wished to rely upon the legal advice of Mr. Call that it would not be wise for the City to try to limit the number of units that can be used for rental purposes. Council Members Stoker and Turner concurred.

Mayor Taylor stated that item seven relates to the potential extension of an access point from the Big O property into the subject property. The Council concluded there is not sufficient room to purchase a connection point from the Big O property.

Mayor Taylor addressed item eight relating to the comments made by residents in existing neighborhoods that they do not desire to have access to the trail system to be located on the subject property. He stated those comments may have been made by some residents, but he does not believe all residents feel that way; he identified the location of proposed trail access points on the site and the Council ultimately supported maintaining those connections and preserving public access to the trail system.

Mayor Taylor moved to item nine, increasing the number of cottages and reducing the number of units in the two large independent living buildings. The Council concluded they are comfortable with the current design and they will not request any such adjustments.

Mayor Taylor stated the tenth and final item relates to parking and, specifically, preventing parking from spilling over into the existing neighborhoods. He facilitated a discussion among the Council regarding general parking accommodations on the site and the inclusion of underground parking on the site to achieve a required parking ratio. Council Member Urry stressed that he is uncomfortable with allowing on-street parking on 1700 North and Washington Boulevard due to safety and snow removal concerns. Council Member Swanson stated that he understands Council Member Urry's concerns, but if the City prohibits on-street parking on 1700 North, that would open the door for residents in other areas of the City to request the same consideration for on-street parking on the streets they live on. Planning Commission Mason stated that he feels the issue at hand is whether to include on-street parking on 1700 North in the parking ratio calculations for the project. The Council indicated they have given consent to the applicant in the past to include 1700 North parking in his calculations. The parking ratio is 1.96 stalls per unit without consideration of 1700 North on-street parking and one-third of the parking area dedicated to retail uses. If the stalls on 1700 North are included, the parking ratio is 2.04 spaces per unit. Mayor Taylor added that those numbers increase with the addition of 25 spaces at the site. Council Member Swanson stated he is comfortable with the 1.96 stalls per unit without the inclusion of the 1700 North stalls. Council Members Satterthwaite, Stoker, and Turner agreed.

Commissioner Mason stated one other issue raised by the public was to include some sort of provision in the development agreement requiring completion of the project so that it is not half-built with no final completion in sight. He stated that the Commission did not act on that recommendation as it is not possible to predict future market conditions. Council Member Swanson asked if there would be a legal way to include such a provision in the development agreement. Mr. Call answered no.

Mayor Taylor briefly summarized and reiterated the consensus of the Council on the 10 discussion points included in Mr. Scott's memo. He then noted that the project will come back to the Council next Tuesday during their business meeting; a public hearing will be held and the Council will have the opportunity to act on the zoning for the subject property.

The joint work session portion of the meeting concluded at 9:17 p.m. and the meeting recessed briefly. The meeting reconvened at 9:26 p.m.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Jay Hullinger, 1885 N. 500 E., stated that he appreciates the Council's consideration of the concerns that have been expressed regarding the Village at Prominence Point project. He stated that he understands that the on-street parking stalls on 1700 North will not be included in the calculation of parking for the overall project and he feels that is appropriate given that parking would only be allowed on the street for six months as it is prohibited during the winter months to allow for snow removal.

Ivan Barker, 177 W. 3525 N., stated that he remains concerned with parking in high density developments. He stated that the ratio decided upon by the Council is two stalls per unit, but if both parents living in a unit have a vehicle, any children of driving age will not have space to park. He stated that he is also concerned about substandard roads that have been approved in the City; he feels that the roads in the development behind the movie theater are not adequate. He stated that he feels that two stalls per unit plus one visitor parking stall per unit would be more appropriate. He stated that he has spoken with his nephew, Ryan Barker, who is the Fire Marshall for the area and he has expressed concerns about narrow roads being able to accommodate fire apparatus, especially when on-street parking is allowed.

Jonathan Call, 1895 N. 300 E., stated that he is glad the Council reached a consensus relative to many issues associated with the Village at Prominence Point project. He appreciates the decision that was made regarding the connection of 300 East to 1900 North. He then stated that if the City is going to consider requiring a pedestrian walkway at the point where the two roads intersect, the residents living in the Roylance Homeowners Association (HOA) are concerned about security and they asked for an arrangement with the developer to fence off the front of their properties to keep people out of their yards. He asked that be considered as part of the development agreement. He then stated that the HOA is comfortable with decisions made tonight regarding setbacks and building heights.

Mayor Taylor pointed out that any decisions made regarding the design of the walkway connecting 300 East to 1900 North will require HOA approval since it will traverse HOA private property.

Rob Watson, 1825 N. 100 E., stated that residents in the single-family neighborhoods around the Village at Prominence Point project have expressed concern regarding the taller and bigger buildings on the site and some residents have requested that the subject property be divided into two different zones and that the large independent living facility be pushed closer to Washington Boulevard and further away from the existing neighborhoods. He stated that issue was not discussed tonight. He then stated that he is grateful to live in North Ogden; it is a wonderful place and he and other residents feel their voices have been heard.

Sherry Hullinger, 1885 N. 300 E., stated she shares many of the concerns that have been expressed regarding parking. She stated that she feels there will be a shortage of up to 300 parking spaces, which is quite staggering and could have a negative impact on nearby property owners.

Mayor Taylor reiterated that the Council will hold a public hearing next Tuesday regarding the Village at Prominence Point project; there will be detailed information about the parking accommodations at the site. He addressed Mr. Watson and indicated that he can send the Council an email regarding split zoning of the property for discussion during next week's meeting.

2. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH WEBER HUMAN SERVICES

A staff memo from City Administrator/City Attorney Call explained that after some back and forth discussion, City Administration has been able to reach an agreement with what is being proposed by Weber Human Services relative to management of the Northview Senior Center. A copy of the proposed agreement with redline edits was included in the packet for Council review; the memo recommended Council review and discussion of the agreement in order for Administration to finalize negotiations and execute an agreement.

Mr. Call reviewed his memo and the draft agreement; he facilitated a discussion about the terms of the agreement and the implications of the same. There was a focus on responsibilities of both parties, cost breakdowns, oversight of employees at the Center, exterior and interior maintenance at the facility, and insurance of the facility and fixtures and indemnification of the City against liability. Mayor Taylor indicated City Administration will use the feedback provided by the Council to finalize negotiations of the agreement with Weber Human Services before presenting a final agreement for the Council to act upon.

3. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION FOR THE AGREEMENT FOR LEASE-PURCHASE OF TWO NEW SNOW PLOW TRUCKS

A staff memo from Public Works Director Espinoza explained that during the Budget Retreat last spring the idea of Leasing to own was brought up, so we looked into the possibility, and we found that we could lease 2 trucks and purchase all the snow truck equipment for those trucks for about the same price as purchasing 1 truck fully equipped. There were 3 options that we brought to the council. Option A- Purchase (2) fully equipped trucks for \$379,071.64 Option B-Purchase (1) fully equipped truck for \$189,535.82 Option C-Lease (2) trucks and purchase all the equipment for \$186,666.06 We chose to go with option C- this lease agreement came with an interest rate at 3.39%, which totals about \$23,000.00. During the Budget Retreat, we discussed how we would make up that \$23,000 in interest. The biggest things were, if we waited to purchase another truck for 2 or 3 years, we could expect to pay 3-5% more a year on the

purchase price. Also, we would have to maintain a 30-year snow plow truck for a few more years which could cost thousands of dollars.

Finance Director Nelson reviewed the staff memo and discussed other financing options available to the City relative to the lease-purchase of two new snow plow trucks. The lowest proposal was from Citi National Bank for 2.05 percent on a seven-year term with no prepayment penalty. This is much lower than the proposal the City initially opted for of 3.39 percent. He recommended that the Council authorize an agreement with Citi National for financing of the lease. City Attorney Call recommended that the Council authorize Mr. Nelson to proceed with negotiation of a final contract after comparison of the initial proposed lease agreement with the updated lease agreement to determine that all terms are the same in both contracts.

Council Member Swanson motioned to approve Resolution 11-2017 authorizing Evan Nelson to negotiate and change the finance company with the best rates and terms for the Agreement of lease-purchase of two new snowplow trucks, and also authorize the Mayor to execute the Agreement. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed unanimously.

4. DISCUSSION OF TOWING FEES FOR IMPOUNDMENT OF VEHICLES AND TRAILERS ILLEGALLY PARKED ON MUNICIPAL STREETS

Council Member Swanson motioned to table discussion of towing fees for impoundment of vehicles and trailers illegally parked on municipal streets. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

5. PUBLIC COMMENTS

There were no public comments.

6. COUNCIL/MAYOR/STAFF COMMENTS

City Attorney/City Administrator Call reported on progress made at the Rands property following the action that was taken by the Council at their last meeting. He also reported the Public Works Department is beginning preparations for the upcoming winter season and snow removal. Finally, he provided an update on the progress of the City Hall remodel project; the City has saved approximately \$25,000 on the project by performing much of the project in-house. He added that City Administration would like to proceed with installation of a switch for the generator at the building, which has a cost of \$6,500; it is not necessary for a formal action item to be presented to the Council for this expenditure, but he would like to know if there are any objections. The Council indicated they were comfortable with the request.

Council Member Urry stated he participated on the Senior Citizens Board and they desire to change the makeup of the Board; it is appropriate to include at least one representative from Pleasant View and North Ogden, but all other Board members could be from any city as long as they are willing to serve. He then stated that the seniors pay for many things at the Center and he feels that some of those costs should be funded by Weber Human Services. Council Member Swanson stated he feels that relations at the Senior Center have improved since Council Member Urry became more involved. Council Member Stoker agreed.

Council Member Turner stated that storm water management continues to be a topic of discussion and he noted Salt Lake City has an ordinance requiring all commercial buildings and developments to retain their storm water on site. He stated he would not be opposed to entertaining such a requirement for North Ogden. Mayor Taylor stated it may be a good idea to have another work session regarding storm water soon; there are two projects outside of the City that the City will be asked to contribute to in order to provide regional storm water management.

Mayor Taylor reported that he will receive a final budget estimate for the Barker Park Amphitheater project tomorrow and he will inform the Council of what that estimate is.

Council Member Swanson stated that Republic Services has a "touch a truck" program; he has a neighbor with a three-year old son that is enamored with garbage trucks and Republic brought their newest truck to their neighborhood to allow him to get on the truck and visit with the driver. He stated it was very fun to see.

There was then brief discussion about the recycling market and the impact the market could have on the City's recycling program in the long term.

7. **ADJOURNMENT**

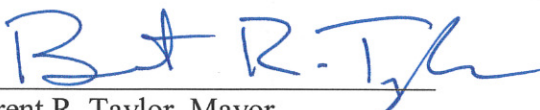
Council Member Swanson motioned to adjourn the meeting. Council Member Stoker seconded the motion.


Voting on the motion:

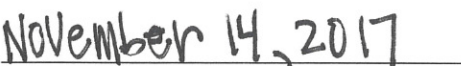
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye
Council Member Urry	aye

The motion passed.

The meeting adjourned at 10:20 p.m.


Brent R. Taylor, Mayor


S. Annette Spendlove, MMC
City Recorder


Date Approved