

NORTH OGDEN CITY COUNCIL MEETING MINUTES

October 10, 2017

The North Ogden City Council convened in an open meeting on October 10, 2017 at 6:03 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 October 6, 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	
STAFF PRESENT:	Jon Call	City Attorney / City Administrator	
	Susan Nance	Deputy City Recorder	
	Rob Scott	City Planner	
	Tiffany Staheli	Parks and Recreation Director	
VISITORS:	Brent Gill	Josh Hokanson	Susannah Burt
	Karla Ahlmer	Colton Spencer	Shelley Burke
	Herman Armendariz	Arianna Possie	Hope Elmer
	Rebecca Rosier	Casey Wheeler	Spencer Alexander
	Gordon Robson	Morgan Reid	Sara Fawson
	Sherry Hullinger	Jay Hullinger	Jonathan Call
	Troy Nichols	Hayden Nichols	Josh Turner
	Christian Urban	Naomi Elmer	Rakel Elmer
	Angela Shaffer	Jill Smith	Kately Hepler
	Tiffany Turner	Calder Davis	Olivia Chambers
	Charlotte Seerist	Rosie Alexander	Susan Clements
	Craig Winder	Tim Vanderack	Christina Watson
	Jack Barrett	Lori Lee	Ryan Barker
	Andrew Henderson	Grant Wolthuis	Dakota Wilcox
	Calvin Pack	Dan Smith	Jamie Smith
	Bob Buswell		

Mayor Taylor called the meeting to order. Youth City Council Member Arianna Possie offered the invocation and Herman Armendariz led the audience in the Pledge of Allegiance.

Mayor Taylor introduced the Youth Council Advisors present and invited each Youth Council member to introduce themselves and indicate the position they hold.

CONSENT AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER SEPTEMBER 5, 2017 CITY COUNCIL MEETING MINUTES

Council Member Swanson motioned to approve the September 5, 2017 City Council Meeting minutes. 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.

ACTIVE AGENDA

1. PUBLIC COMMENTS

There were no public comments.

2. PUBLIC HEARING TO RECEIVE COMMENTS FOR PROPOSED REZONE TO PROPERTY LOCATED AT 2325 NORTH WASHINGTON BOULEVARD FROM MULTI-FAMILY RESIDENTIAL R-3 TO COMMERCIAL C-2

Mayor Taylor declared that the applicant for the rezone is a relative of his and he recused himself from participating in discussion of the matter and asked Council Member Satterthwaite to conduct the meeting as Mayor Pro Temp in his absence.

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

The Planning Commission conducted a public hearing on this application on September 20, 2017. Two residents from the adjoining Blackhawk Townhouses voiced the following concerns. The Planning Commission addressed these concerns in their deliberation.

1. If the office use goes away, what other commercial uses could this property be used for?
2. The location of the 2300 North driveway and onsite parking area location next to an adjacent property.
3. Concern about the additional traffic and parking along 2300 North.

The applicant submitted an application to rezone the property 2325 North Washington Boulevard from R-3 to C-2 in order to convert a single-family home into a tax accounting business office. A site plan and possible subdivision will be reviewed later. The applicant is negotiating either the purchase or an easement across a narrow strip of land owned by the Blackhawk Townhouses PRUD. If the sale option goes through, then this small strip of land should also be rezoned.

The General Plan map shows this area as: "Main Street Commercial. Commercial or mixed-use commercial uses with a direct orientation to the street/sidewalk. These uses should have little or no setback from the public right of way." This rezone application is consistent with that designation.

The General Plan Zoning and Land Use Policy has the following applicable guidelines:
Zoning and Land-Use Policy

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.
 - Staff Comment: The area proposed to be rezoned is bordered on the west by the Blackhawk Townhouse project and on the south by an insurance office. The site plan will need to address an appropriate buffer to the Blackhawk Townhouse project.
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.
 - Staff Comment: The properties along Washington Boulevard are transitioning to commercial and multi-family uses.
- Where possible, properties which face each other, across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

- Staff Comment: Properties along Washington Boulevard are a combination of commercial and residential uses. The properties to the north and south are zoned commercial. The Blackhawk Townhouses project is zoned residential.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.
 - Staff Comment: The proposed zoning will not cross property lines; if the northerly strip of land is purchased from the Blackhawk Townhouses then it should also be zoned C-2.
- The primary frontage and land use should be considered when establishing zoning boundaries on corner lots.
 - Staff Comment: The proposal is on a corner lot. The primary frontage is on Washington Boulevard and is consistent with the zoning on the east side of Washington Boulevard.
- The Planning Commission may choose to use mixed use, multiple family, or professional office zoning as a buffer between commercial and residential uses.
 - Staff Comment: The decision to allow this zoning should provide for an appropriate buffer to the Blackhawk Townhouse project.
- Any non-residential zone abutting residential zones should be a mixed use, or planned zone (e.g., CP-2, MP- 1) to help minimize the impacts on residential zones. Transitions between uses should be carefully thought through.
 - Staff Comment: The request is for the C-2 zone; however, similar buffering standards apply to the C- 2 zone as the CP-2 zone.

Commercial Guidelines:

- Generally commercial zones should be located along Washington Blvd. and 2700 North streets, avoiding local streets which serve residential zones. Access to commercial zones should avoid local streets within residential zones.
 - Staff Comment: The proposed project fronts onto Washington Boulevard and 2300 North, a collector street.
- Adhere to the General Plan recommendations for the Downtown and Southtown.
 - Staff Comment: The proposed zoning is consistent with the Main Street Commercial designation.
- If compatible with the General Plan, existing businesses on collectors and arterials should be allowed to expand while providing an adequate buffer with adjacent residential zones.
 - Staff Comment: The proposed zoning will allow the transition to a commercial use; the site plan will provide a buffer to the Blackhawk Townhouse project.
- Encourage commercial uses to be developed with a focus toward walkable streets, with buildings approaching the sidewalk, rather than as standard strip commercial with parking adjacent to the road.

- Staff Comment: The proposed use is a conversion of a single-family home to a business office. The exterior of the building will not be changed. This guideline will need to be balanced with the other guidelines.
- Consider development agreements to assure higher quality development.
 - Staff Comment: A development agreement is not proposed; however, the site plan review process will identify the site and building standards.
- Promote mixed use developments.
 - Staff Comment: The proposed zoning is for commercial only.

The memo offered the following summary of potential City Council consideration(s):

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded the Planning Commission found that the proposed rezone from R-3 to C-2 is consistent with the General Plan and recommend adoption by the City Council subject to conditions in the Staff report. If the small strip of land to the north is acquired by the applicant, then the rezone should include this property to the middle of 2300 North.

Mr. Scott reviewed his staff memo and an aerial map to identify the parcel of property subject to the application as well as the parcel the applicant is working to acquire.

Mayor Pro Temp Satterthwaite asked if the recommendation is to rezone the subject property and the strip of property to be acquired, to which Mr. Scott answered yes. Mayor Pro Temp Satterthwaite asked what would happen if the applicant is not successful in acquiring the strip of property. Mr. Scott stated that the commercial zoning would only be applied to the property at 2325 North Washington Boulevard and the zoning for the strip property would remain as R-3 residential.

Mayor Pro Temp Satterthwaite opened the Public Hearing at 6:23 p.m. There were no persons appearing to be heard.

Council Member Swanson motioned to close the Public Hearing. 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 Public Hearing was closed at 6:24 p.m.

3. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR PROPOSED REZONE TO PROPERTY LOCATED AT 2325 NORTH WASHINGTON BOULEVARD FROM MULTI-FAMILY RESIDENTIAL R-3 TO COMMERCIAL C-2

Council Member Swanson motioned to approve Ordinance 2017-21 for proposed rezone of property located at 2325 North Washington Boulevard and the strip of property to the north from Multi-Family Residential R-3 to Commercial C-2. 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.

Mayor Taylor rejoined the meeting.

4. PUBLIC HEARING TO RECEIVE COMMENTS TO ASSIGN A ZONE AND ACCEPT A DEVELOPMENT AGREEMENT TO A LAND AREA LOCATED AT APPROXIMATELY 1851 NORTH WASHINGTON BOULEVARD FROM WEBER COUNTY (A-1) TO MASTER PLANNING COMMUNITY (MPC-VPP)

A staff memo from City Planner Scott explained when the City Council is acting as the land use authority, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments.

Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require 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 Weber County Commission has designated North Ogden City as the land use authority while the annexation is being completed.

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 second joint work session was held by the Planning Commission and City Council on October 3, 2017. A summary of the site plan data, public hearing comments, planning commission recommendation, and work session conclusions are included in this staff report.

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. A revised exhibit showing building setbacks is expected to be submitted. A Technical Review Committee meeting was held on September 5, 2017.

Project Summary

A revised summary of the project is provided below.

Residential Dwelling Units

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

Apartments	404 (24 buildings on 15.52 acres = 26 units per acre)
Town Homes	107 (16 buildings on 7.55 acres = 14.2 units per acre)
Cottages	28 (28 buildings on 4.05 acres = 6.9 units per acre)
Independent Living	68 (1 buildings on 1.62 acres = 42 units per acre)
Total Units	607 units on 32.9 acres / 18.45 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, 194 open spaces, 99 garages, 99 driveways = Total 592 (1.46 stalls per unit)
Town Homes	(104 Units) 18 carports, 29 open spaces, 172 garages, 172 driveways = Total 391 (3.7 stalls per unit)
Cottages	(28 Units) 48 garages; 48 driveways = Total 96 (2 stalls per unit)
Independent Living	(68 Units) 20 carports, 29 open spaces, 25 garages = Total 74 (1.08 stalls per unit)
Total Residential Parking Stalls	1,153

Commercial

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

Total Residential Parking Stalls

238 Carports
252 Open Spaces
344 Garages
319 Driveways
51 35% Shared Retail
Total 1,204 / 1.98 stalls 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, and the work session conclusion 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 Work Session Determination: Allow a 31-foot-high building with a 20-foot 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. Work Session Determination: Include in the development agreement a snow removal plan provision.
 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. (See Exhibit F) PC recommendation: Request the applicant to supply a 3-dimensional drawing as indicated. Work Session Determination: A 3-dimensional drawing was provided and reviewed.
 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. Work Session Determination: Determined that this connection is not required but that a park area would be placed in this location with a trail. The space should be wide enough to accommodate a future road and building setbacks as if on a corner lot. 300 East will be a private street. The dimensions and cross section of the private street are to be provided and reviewed for approval.
 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. Work Session Determination: 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. Work Session Determination: No requirement is desired or imposed.
 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. Work Session Determination: This option does not provide sufficient space for a connection and is not a viable option.
 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. Work Session Determination: See issue 4, a trail is desired to meet pedestrian connectivity.
 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. Work Session Determination: Agreed to the 3-story and 4-story one building design. Building heights are to be provided.
 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. Work Session Determination: The total parking calculation is to remove the shared parking on 1700 North as part of the parking calculation.

Other Site Plan Considerations

Landscaping

Individual landscaping plans will be produced for each of the 5 projects. There is a minimum 20% requirement.

Streets

Any internal streets are shown as private streets. The westerly north south street (300 East) is a private street with public access. A cross section design is needed to review the functionality of 300 East; specifically, the drive accesses. The townhome designs will need to provide sufficient space to accommodate a future roadway as if these buildings are on corner lots.

Trails and Sidewalks

The trail system is to be expanded into the expanded projects on the north, i.e., the cottages, independent living, and townhomes. The TRC has noted how this is to be done.

Phasing

As indicated the project has evolved into 5 projects. 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 were three areas where allowances were granted in the existing plan; parking, building heights, and the west north / south roadway design. The taller apartment buildings will be 51 feet; this has not changed. The townhomes are being allowed to be 31 feet in height with a 20-foot setback. The north / south roadway design can be considered as part of the townhomes project / subdivision review.

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 (concept; individual final plans will come with each project)*
- D. Floor Plans (partial for the apartments; will come with other project reviews)
- E. Building Elevations (partial for the apartments; will come with other project reviews)
- F. Site Data
- G. Building material board and color palette (partial for the apartments; will come with other project reviews)
- H. Fire Plan
- I. Signage (concept)**
- J. Commercial Development Elevations
- K. Detention Basin Park

*The landscaping plan is a concept plan. A provision will be included in the development agreement that addresses the final approval process of the landscape plan, e.g., a final landscape plan will be approved by either Staff or the Planning Commission. The final landscape plan will include a plant species list, number of plants, and tree sizes consistent with 11-7K 5 (G) and (L)

**The final design for signs will be addressed at the time of building permit application.

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 City Council 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 memo concluded 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. ZMA 2017-03 Village at Prominence Point, 3rd Amendment Page 7 of 7. 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 the staff memo and various exhibits to his memo; following drafting his staff report he received several exhibits to illustrate the applicant's proposed setbacks and building heights as well as the format of the proposed development agreement.

Council Member Satterthwaite asked if the intent tonight is for the Council to approve the development agreement in conjunction with the zoning for the property. City Administrator/City Attorney Call stated that a development agreement has been provided and it directs that additional approvals be sought relative to building elevations. Mr. Scott added the applicant will also need to seek subdivision approval for different components of the project. Mayor Taylor stated it is his recommendation, along with the recommendation of staff, that the development agreement be approved as additional reviews are specified within the agreement.

Mayor Taylor opened the public hearing at 6:54 p.m.

Shelley Burke, 706 E. 1900 N., stated she has a few questions; she would like to know if the City has consulted with the school district about the impact the proposed development will have on the schools in the area. She stated she works for the school district in many schools in the area and she has seen the kind of impact these types of multi-family developments have on schools; Majestic Elementary has just under 600 students when it opened, but when the apartment and condominium developments were built on the north and south sides of 2550 North, the enrollment increased to over 1,000 students and that has made boundary changes and other adjustments necessary. The school's enrollment is still over 900 students and the school is so full that – in addition to locating portable classrooms on the school grounds – classes are even being held on the stage in the gymnasium, which presents many difficulties. She stated that she understands that all, or the majority, of the propose development will be within the boundaries of Green Acres Elementary School, which is already close to capacity; it has over 500 students and was built to accommodate 600 students. The development of 500 new units will add at least 300 students to Green Acres' enrollment. The impact to the school will be huge. A new school is being built in Pleasant View that will alleviate some of the overcrowding at Majestic Elementary, but that will not address the impact of the proposed project on Green Acres. Additionally, multi-family developments attract lower income families who oftentimes have just one parent in the home; this leads to a lack of parental involvement in schooling, which also has a negative impact on the school. She asked that the Council discuss and consider these issues. She understands that the project will improve the tax base of the community, which will also benefit the school district, but increasing the population so dramatically at one time will be hurtful to schools and existing students.

Susannah Burt, 1722 N. 150 E., stated that she has addressed this development in the past and her concerns remain the same; transitional mobility is a risk factor for a community not just for those living in apartments or townhomes, but for the entire community. Transitional mobility is people moving in and out of apartments and it impacts how children and parents bond with a community; when bonding is decreased, negative

actions are increased such as vandalism, theft, substance abuse, and mental illness problems. She is also concerned with traffic; she lives at the corner of 1750 North and 150 East and the assisted living facility will be constructed next to her property. She stated that 1700 North is nice and wide, and it has been great, but the width and the lack of stop signs or intersections tends to attract fast traffic. All of the people living in her neighborhood have children and she is concerned about their safety when playing outdoors. She then addressed parking at the development; she has lived in apartment complexes in the past and she is concerned that not enough parking is going to be provided for the number of residents that will be living there. She is also concerned about the proposed density; she is excited about many of the components of the master planned community, but she believes the density is too high.

Brent Gill, 1674 N. 150 E., referenced the proposal to include a pet park in the development; the park would be located next to his property and he wonders why the amenity is needed. He asked if the park will be fenced and if there will be some kind of buffer between the park and his property. He also wondered where people will park to get to the pet park. He stated he would also like to know who will maintain the pet park and remove dog waste from the area.

Rosie Alexander, 1740 N. 150 E., stated her main concern is whether the proposed development actually is consistent with the existing neighborhoods surrounding it as called for in the General Plan. She stated she did some basic math: if the development of 32.9 acres was to be split into quarter-acre lots, there would be approximately 128 homes. Instead there will be 607 residential units, which is five times the amount if the property were subdivided for single-family development. She stated her question and concerns relate to the impact the development will have on existing single-family neighborhoods. Adding so many people to such a small space will have negative impacts. She thinks it is great to open North Ogden to more and different kinds of people as she was also raised in apartments, but what is being proposed is a lot of people in a very small space with insufficient parking. Since some of the parking stalls will be shared with the commercial use, there will be many difficulties and the result will be that people will park on streets or in the existing neighborhoods, which is not allowed during the winter months. She stated that the existing ordinances are good and provide needed protection for the City and she does not believe that concessions should be made for people coming to North Ogden from the outside. She added she understands one of the main benefits of the project is an increase to the tax base of the community and while there are great benefits to a financial increase, there is also great responsibility to determine whether the project is worth it. She asked if it is worth it to bring this many people to the area. She stated she appreciates all of the hard work of those that have carefully considered the project and she appreciates that they are trying to better the area. She concluded she is proud of North Ogden and what it represents, and she knows that City leadership is trying to do what is best for the entire City. North Ogden has flourished the way it is and, while change is good, it is a very serious undertaking that should not be hastily entered into.

Josh Hokanson, 146 E. 1700 N., stated that there has only been discussion about density, but there has not been sufficient discussion about where the water will go, how the parking ratio was determined, and other infrastructure issues. He stated the pet park is a retention pond and he wondered where the water will go from the pond. He stated that a stop sign is needed on 1700 North because traffic on that street travels at a high rate of speed.

Jill Smith, 1360 N. 925 W., Harrisville, stated that she was previously a North Ogden resident and would like to move back to the City. She previously lived at 2875 N. 1025 E. in North Ogden and she moved from her home because she is an 'empty nester' and wanted to downsize. Everyone seems concerned about the number and quality of people that will live in the development, but she wanted to stress that the people that are attracted to this type of development are people like her. She has worked in Ogden City as a paralegal for 16 years and prior to that she spent seven years as a paralegal with the State Attorney General. She is not a transient resident. She then added that she lived down the street from the existing pet park in the City when she lived in North Ogden; that pet park is also in a retention basin that still serves its purpose. The people who take their pets to the park are decent, law abiding citizens who clean up after their pets and they do not expect anyone to clean up after them. There will always be a few exceptions to the rules; people who speed or do not clean up after their pets, but there are also people who do not take care of their yards and whose own homes become eyesores. There will always be people that are a drain on the school system, but by saying those are the kinds of people that will move to this type of development is false. She stated it is her understanding the community is geared to those 55 and older, which will curtail some of the issues that have been raised regarding the number of students flooding the school system. She stated she understands that many people are concerned about change, but she would encourage everyone to be open minded and consider how they can welcome the project rather than declare all the negative things it will do to the community.

Spencer Alexander, 1740 N. 150 E., stated that Mr. Hovington raised the issue of water management and he noted that it is his understanding that the water will be retained offsite; that makes sense for the bulk of the water, but in a heavy rain storm the water running off hard surfaces must percolate. He asked if there are any areas onsite that will provide for percolation of the water before it is dispersed to the offsite reservoirs. He then stated that there are many other logistical issues that arise when trying to provide services for such a high number of residents, such as snow removal, garbage collection, and parking. He stated he would like to see what the buildings will look like since he will be able to see them from his back yard; he would like to know how the buildings will impact his view of the mountains. He stated that the project has been billed as something that will benefit the community, but he wondered if the public will have access to the clubhouse and other amenities on the subject property.

Sara Fawson, 1205 E. 2325 N., stated she has heard many concerns about parking and she is interested to know if stalls will be assigned to specific residences with the

remainder being open for communal parking. She wondered if there is overflow parking for other components of the project that may be available for communal or public parking. She stated she thinks the City should be very careful in using demographic information or comments about the belief that the project may attract a certain type of person or family when making a decision regarding zoning. She stated that discriminating a certain family type is inappropriate and the City should only be considering the proposed development and its compliance with City ordinances. Some schools in the area are not at capacity and it is not necessarily true that all units at the project will be occupied by people with children. She stated that each child that comes into the community comes with money that will be disbursed to the school district. The local schools have seen dispersion of population to three nearby charter schools and student populations have decreased as a result. She concluded she would like additional consideration of the shared parking issue she raised earlier in her comments.

Colton Spencer, 1932 N. 150 E., stated his first concern about the project relates to traffic; both 150 East and 1700 North have no markings on them and this leads to excessive speed, especially given that they are both wide roads. This is concerning for him because many children in the area walk or ride bikes to school and heavy traffic is dangerous for them. Additionally, he noted he is supportive of growth, but the people who bought homes in his neighborhood did so because of the feel of the area, which is the openness and tight knit community feeling.

Christina Watson, 1820 N. 100 E., stated she is also very concerned about the amount of parking area included in the project and she believes there will always be parking on 1700 North. This is dangerous for children in the area and those visiting the pet park. She stated that in looking at the entire length of 1700 North bordering the project, the pet park only takes up a quarter of that length and painting the curb red along the pet park may address those safety concerns. It may also help preserve the neighborhood feel in the area and prevent public parking on residential streets. She then stated that she noticed the development agreement sets a height limit for the four-story independent living facility and while she is not a fan of the building, she appreciates that the height has been reduced to three-stories. She noticed on the document that there is a height limit of 40 feet, which is different than the 51-foot height limit for the apartment buildings. She hopes that this will remain in-tact because she lives directly adjacent to the location where the independent living facility will be constructed. She then concluded she would echo the concerns that have been expressed regarding parking and increased traffic in the area and she suggested the use of signage that will prohibit parking in certain areas or the use of neighborhood streets as thoroughfares. She stated she appreciates the Council's consideration of the concerns that have been expressed by neighbors living near the subject property and the efforts the applicant has made to adjust his project to address those concerns. She stated, however, that she is concerned about the increase in the number of units to be constructed on the property now that the applicant has secured an additional 16 acres of property.

Karla Ahlmer, 253 E. 1900 N., stated she lives north of the proposed development and she is concerned about the construction of the independent living facility in her backyard. She stated she knows that the height of one of the buildings has been adjusted, but the one directly behind her property is still slated to be 51-feet in height. The current view she enjoys from her backyard is into the open valley and she will now be forced to look at a 51-foot tall building and she asked why the height of this building is also not being reduced to 40-feet. She then stated that during the last meeting where this project was discussed, there was mention of building underground parking on the site and she noted that her property sits six-feet above the subject property and she has standing water in her yard constantly. She wondered where the water will go and if it is actually possible to construct underground parking. She stated the creek in the area constantly overflows its banks during spring runoff and that water level will only increase with the addition of the project. She noted her other concern is the parking for the independent living component of the project; the ratio is 1.2 spaces per unit and she wondered if this will force the residents of the independent living units to park in the retail parking spaces. She suggested the parking ratio for the independent living units be 2 spaces per unit or that the number of units be adjusted downward.

John Call, 1895 N. 300 E., stated he has attended the majority of the meetings where this project has been discussed since 2015; when he first heard of the project he was very opposed to it because he did not like the idea of an apartment complex next to his property, but as he has followed the project over the last several years, he has come to understand what it will be and he has changed his position to one of support. He noted, however, that he still has concerns about various components of the project, such as parking and connectivity of the roads in the development to existing roads in the area. He stated he reviewed the development agreement and noted that on page 15, paragraph 14, there is a provision relative to connectivity to 1900 North and he asked that the language be amended to specify that the connection to be provided will be for pedestrian use and not vehicular use. He concluded he appreciates the work that has been done on this project over the last several years and he thinks now is the time to move forward and stop delaying the project. He stated that development will eliminate the current fire hazards on the subject property due to the fact that it has not been properly maintained for several years. He feels the proposed development is an improvement over what is currently located on the property and is much better than a development that would be entirely commercial in nature; it is something that will benefit the community.

Sherry Hullinger, 1885 N. 300 E., stated that her main concern is the proposed road connection that would connect the project to 1900 North. She knows that the road has been taken out of the plans and she appreciates the developer's willingness to make that accommodation. However, she is concerned that the road is still on the plan for potential future connectivity because that leaves a very heavy, lingering cloud over the property owners that live in the cul-de-sac through which the connection would be made. She stated that the wording in the development agreement is not very clear and she asked that it be adjusted to address residents' concerns.

Dan Smith, 241 E. 1900 N., stated that he is concerned that on-street parking will be allowed on Washington Boulevard and that those parking stalls are being used in the calculation for required parking for the project. He stated no one wants to park on Washington Boulevard and he does not think the plan to locate 20 stalls there is realistic. He stated that the over parking accommodations do not seem adequate. He is also concerned about the increase in traffic associated with the dramatic increase in the number of residential units in the area; everyone will be trying to get out of the development at the same time each morning to commute to school and work and he is concerned this could lead to tragic situations and accidents. He then stated that his property is directly north of the site where the independent living buildings will be constructed and the plans show a dotted "V" line through his property and he wondered what that line represents. He added there is a picnic park shown on the plan near his property and he asked what that park will look like; he asked if it will still be a retention basin. He noted he is also concerned about light pollution from the proposed project to the nearby residential neighborhoods and he is definitely opposed to the 51-foot building height for the independent living facility. He concluded that he knows growth is important for any community, but his concerns remain, and he does not see the need to cram so many units into one property 'just to make someone rich'.

Mayor Taylor answered Mr. Smith's question about the "V" line through his property; that is the property line and it has nothing to do with the project; it may be inaccurate, but that is what it is.

Shelley Burke, 706 W. 1900 N., re-approached, and asked if the City has considered the need for a crossing guard to help children cross Washington Boulevard to get to Green Acres Elementary School. She stated that there is a traffic light at 1700 North and Washington Boulevard, but traffic is so heavy in that area that it will be difficult and potentially unsafe for children to cross on their own.

There were no additional persons appearing to be heard.

Council Member Satterthwaite motioned to close the Public Hearing. Council Member Swanson 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.

Public Hearing closed at 7:39 p.m.

Council Member Swanson motioned to take a five-minute recess. 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.

The meeting recessed at 7:40 p.m. and reconvened at 7:49 p.m.

Mayor Taylor attempted to respond to the questions asked during the public hearing; first related to the impact the project will have on local schools. He noted the City has been in contact with the Weber School District about this and other projects occurring within the City. The District, like the City, cannot stop development based on capacity and that is why it is so important to increase the tax base for the District in order to increase capacity. It has been difficult for the District to keep up with demands related to the rapid rate of growth in North Ogden and other cities and that is why it has been necessary for the District to bond to complete improvement projects. It is likely that the students living in the proposed project will attend Green Acres Elementary and the Police Department has already been tasked with conducting a study regarding the need for a crossing guard to help children cross Washington Boulevard. Additionally, projects are underway to improve sidewalk infrastructure in the neighborhoods surrounding Green Acres and this will improve safety for students walking or biking to and from the school. He then addressed the concerns raised regarding the increase in traffic associated with the project; there will be traffic changes in the neighborhood and the City will erect traffic signs and signals as required by national traffic standards, and more specifically the Manual of Uniform Traffic Control Devices. Some cities have their own traffic standards, but the City follows the federal manual and that is what will be used to determine where stop signs and other traffic control signs will be erected. Traffic enforcement will also be a priority and marking and painting the roads will be evaluated as well. The number of people traveling on 1700 North is high and that is by design; the City's traffic master plan calls for various road types and 1700 North has been designated as a collector street that will be used by people seeking to get in and out of the City with minimal stops. He stated there are collector streets in many other neighborhoods throughout the City and many residents deal with the same conditions that have been or will be imposed on the area around the subject property due to the nature of the roads in that area. He then referenced comments about the pet park; the park is principally a detention basin that will collect the storm water from the subject property and will be part of the City's storm water infrastructure network. The concept of locating a pet park in the basin is something that

was offered by the developer in order to provide an amenity for the community. It will be a public park that will serve a dual purpose similar to the other dog park in the City that is located in a basin. The people that use the existing park are very mindful of the need to clean up after their pets and take care of the park to allow it to remain open. He then addressed the question about why the City would allow multi-family uses to border single-family homes and he noted there are many areas in the City where these two land uses border one another. There is no way to require a buffer zone between uses because there is no person that would be willing to pay for the maintenance of such a buffer area with no return on that investment. He stated that the City has tried to locate uses most compatible with single family development on the edges of the project; this is why the assisted care facilities are located closest to the single-family neighborhoods. The buildings may be large, but they house senior citizens and the intensity of this use is considered very low. He then addressed the comments made about the high density of the project. His feeling is that the high density is what leads to the high quality of the project; the density affords the developer enough money to be able to pay for the expectations of the community for higher quality materials and an overall higher quality project. He noted that he and the Council have studied many mixed-use projects along the Wasatch Front over the past four to five years to determine what type of development would be appropriate for North Ogden and without exception, a project with lower density will be lower quality. Allowing higher density provides for more units among with to distribute the costs of the higher quality expectations of the community. More green space and other amenities are costly and the City has decided to allow a higher density to cover the cost of these amenities. He stated he sincerely believes existing residents would be more disappointed in the long run with a less dense project because the construction and overall amenities at the project would be lower quality in nature with lower rents for tenants. He stated he feels the project as it is now proposed is high quality with a great amount of green space and nice amenities and the project will have high rents and attract quality tenants. He then discussed comments regarding water retention; the project has been thoroughly reviewed by the City Engineer to ensure it conforms with the City's development standards, which includes appropriate water detention/retention infrastructure. None of the water from the project will be diverted to canals or streams in the area; all water must either be detained on site or put into a larger detention basin that will feed into the City's storm water system. The City does all it can to address issues with the existing creek in the neighborhood, but there is no assurance that a natural water drainage channel will never flood and that is one of the risks residents assume when building near that type of water way. He stated that the ground water question is a very fair question and it is a problem for the developer to consider; he must take any measures necessary to address ground water when proceeding with construction of the underground parking facility. He provided additional information about amenities to be included at the site, with a continued focus on the pet park, which will be fenced since it is a basin; additionally, the developer is contributing to the City's trail system and will create a public park at the north end of the project. He addressed concerns regarding parking and how communal and general parking will be managed. He reported there will be a property management company to enforce the covenants, conditions, and restrictions

(CCRs) recorded against the project and they will handle parking management to ensure that rules are being followed. The company has a wealth of experience managing these types of projects and they feel the parking accommodations are adequate and can be managed effectively. He then referenced the comments made about building heights within the project and noted that City Administrator/City Attorney Call will address that issue during his review of the development agreement later in the meeting. He then addressed the comment about the parking ratio for the independent living facility; the parking ration of 1.2 spaces per unit has come from the developer and his suggestion that most people living in the facility are not likely to have two cars. Most residents will be single and elderly, but even an elderly couple is not likely to have two vehicles. The developer has done extensive research on these types of facilities to support his recommendations. He stated there have been many comments about the connection of the road through the project to 300 East and through to 1900 North and he reported there is no intent on the City's part to force the connection at this time. However, the City would not be doing the right thing by not leaving the option open for future connectivity if it becomes necessary. He stated that is why the language in the development agreement is as written at this time. He stated the City would like to allow the project to go forward and observe whether the connection could eventually be needed. He addressed parking on Washington Boulevard and noted those parking stalls are only being counted in the ratio for the commercial parking at the project and not any residential component. He also addressed the comments regarding light pollution and noted that this development, just as any other new development in the City, will be required to use cut-off lights that are compliant with international dark sky requirements to force lighting downward to reduce light pollution. The lighting will be reviewed through the technical review process for the construction of the project.

Mayor Taylor then used the aid of a PowerPoint presentation to provide his opinions regarding the Village at Prominence Point project using a question and answer (Q&A) format.

Q. Why so many new houses, apartments, and town homes?

A. In my experience, most of the growth in our city comes from us having children who want to live in the family-friendly city they grew up in. When we lived in a brand-new neighborhood of the city with lots of starter homes, most of our neighbors were other young families with ties to North Ogden. Most of our growth is from people already tied to this city, and given that we often have large families, that simply means there are more and more people each year who want to live here.

Q. Why is the city allowing so much growth? Why don't we stop or slow development?

A. Property rights were central to the founding of our country, and are still as important and valid today. Cities can and do set basic zoning regulations to ensure organized, thoughtful, and compatible development patterns, and these regulations appropriately take neighbors' concerns into account, but the private property owner still has—and always should have—the largest say in what happens on their own property. That is America. Generational shifts are changing housing habits. North Ogden is creating a few

relatively small areas for this type of mixed-use development, while keeping the vast majority of our city as the quiet, single-family neighborhoods that have made our city a desirable place to live. Property owners have a right to develop their property. Owners who choose to develop earlier in city history cannot later say “no more development” when other property owners want to follow suit. The vast majority of North Ogden City is planned for single-family neighborhoods.

Q. Is the city “doing” all of this development?

A. No, the city’s role is to influence, plan, and guide development. The city’s role is not to develop land, homes, apartments, commercial buildings, etc. We are not building any homes or apartments. And we are not asking farmers to turn their farms into homes or apartments—landowners are making those decisions entirely on their own and for their own personal reasons. The city’s role is to set general zoning requirements and regulations.

Q. What is the city doing to plan for growth?

A. Expanding and improving infrastructure and laying down careful plans for what types of development will occur where. We are making plans for new wells for water, new detention basins for storm water, new or widened roads for more traffic, etc. Growth is not happening helter-skelter. We are carefully planning for growth and carrying out important infrastructure projects every year to accommodate growth. We are doing important projects every single year to ensure we can accommodate growth as smoothly as possible. North Ogden City’s General Plan calls for the vast majority of the City (over 90%) to be single family neighborhoods, with commercial, mixed-use, and multi-family along the two state highways. Growth will likely occur to the limits of private property (i.e., up to the US Forrest Service boundary). The projected “build out” population of North Ogden is 44,000 (19,000 today). Higher-density and higher-intensity uses are placed along the two state highways, because these roads and areas are best able to serve such uses. The full General Plan can be viewed on the City’s website.

Q. How Did We Build our General Plan?

A. The 2015 General Plan process involved dozens of field trips, open houses, and public meetings to gather input and information. The City also conducted a citywide survey to gather input from as many residents as possible. The majority of residents wanted to see “New housing developed within existing neighborhoods” and “New housing in downtown areas/commercial near Washington Blvd. and 2700 North). The Village at Prominence Point project meets these desires. Goal #2 for the Southtown area calls for a support function to the downtown by promoting mixed use housing concepts that add quality developments to the area and provide more rooftops to support business and by determining a clear role through policies and practices that support Southtown but do not compete with the Downtown, such as event programming that occurs in Downtown but not in the Southtown area. The Village at Prominence Point project carries this exact plan out. Additionally, the project meets the required moderate-income housing element of the 2015 General Plan.

Q. Why This Area?

A. Because it is called for in the General Plan; Utah Law requires a mix of housing and moderate-income housing and the City must track and report details of how its Moderate-Income Housing Plan is being implemented.

Q. Is the City Following All Ordinances?

A. Because it was impossible to craft standards for all possible mixed-use projects, the MPC zone standards were purposefully created only as “guidelines” to be formalized and determined through a Development Agreement. The City is following the MPC zone ordinance.

Mixed-use land use helps the City’s tax base;

- VAPP on 34 acres will produce roughly the same property tax base as 500 single-family homes on 175 acres.
- That is roughly equivalent to 10% of our current city tax base, on less than 1% of the city’s land area.
- VAPP will provide support for our city’s businesses, and a small pocket of medium density right near the businesses.
- VAPP will produce the same utility income as 550 homes, with far less infrastructure to repair and maintain.
- Financial reasons are not why we make these types of decisions, but they are an important factor in funding our city government.

Besides being a style of living that many people desire, mixed-use is a strong element for a city’s tax base, providing a high concentration of taxes for far less infrastructure than single-family homes. Mixed-use is an important part of a balanced tax base, and our city has identified a few limited areas for these types of developments. The apartment units alone at the development should generate approximately \$4,040,290 in impact fees for water, sewer, traffic, parks, and storm water improvements.

Mayor Taylor then concluded his presentation by explaining what he likes about the proposed development:

- Open Space/Landscaping: 35% of the project area! (Minimum required: 20%).
- High-Quality: The Development Agreement specifies high-quality building materials
- Amenities: There are two clubhouses and other amenities planned to attract families and long-term residents
- Management & HOA: There will be strong management from the HOA, including background checks, inspections, and regular maintenance and uniform landscaping, etc.
- Community Feel: This development has a variety of housing types that will bring a variety of people to form a community within the City.

He noted he firmly and sincerely believes that this project will be a high-quality and beautiful project that will enhance North Ogden City and that he would not support this project if he did not feel it was good for the City.

Applicant, Jack Barrett, Scottsdale, Arizona, thanked the Mayor, Council, and public for the input they have provided on the project. Decisions to bring a project to a fruition are tough, but he feels that there is such a thing as 'healthy friction' that can help to ensure a project is successful. He and his team have walked away from every meeting with the City with new information and a new perspective on the project and he wished, as a developer, that there was a 'one size fits all' approach to development, but it is a fact that development is market driven and free enterprise is alive and well and a need for housing comes in all different capacities and sizes. He stated that he is committed to meet housing needs in the community at the highest quality and standard possible and manage and maintain the project to ensure that quality continues. He stated he feels this is the right time and community for his project and he appreciates the Council and Mayor's support.

Mr. Call then facilitated a review and discussion of the development agreement that has been negotiated between the City and Mr. Barrett; he provided a comparison of the original agreement and the updated agreement in order to highlight the changes that have been made since the inception of the project. Throughout the review there was a focus on items such as design guidelines and standards; requirements of the developer to comply with North Ogden City Code for items not addressed in the development agreement; the site plan exhibits illustrating building layout, elevations, materials, height, and setbacks; parking accommodations for various components of the project; commercial uses allowed/disallowed within the development; and the exhibit illustrating road and sidewalk design standards.

Council Member Satterthwaite asked if the development agreement governs the creation of the homeowners association (HOA) and assurance that the complex will be viable and well maintained for years into the future given that all units will not be under one ownership. Mr. Call stated that the agreement does not include a specific provision requiring the creation of an HOA, but such language could be added. It is his understanding that the developer will not proceed with the development without creation of an HOA or a common management/maintenance entity regardless of whether the language is in the agreement; however, he is willing to add language indicating that an HOA will maintain all common area. Mr. Barrett stated that he is willing to accept language in the agreement requiring the creation of an HOA and providing that each segment of the development will have its own CCRs and deed restrictions managed by the HOA. He stated he understands the intent of the language is to preserve the integrity of the project and he is glad to accept the language. High level discussion among the Council and Mr. Call centered on appropriate legal language to be included in the agreement to allow enforceability of the creation of an HOA and proper maintenance/management of the development.

Lori Lee, Pleasant View, stated she is the realtor for the project and Alliance Property Management will be responsible for managing the entire property; individual property owners or renters will not be responsible to create an HOA and serve as Board member to govern the property. Council Member Satterthwaite asked how Alliance Property

Management will be funded. Ms. Lee stated that owners/renters will pay a monthly HOA fee that will be used to cover Alliance's costs. Council Member Swanson stated the development agreement does not include language requiring all owners/renters to pay a monthly HOA fee for maintenance/management of the development. Mayor Taylor stated it is the developer's intent to place a deed restriction on the property requiring owners within the development to participate in funding the management association. Council Member Swanson stated he would like to see the language regarding that deed restriction. Mayor Taylor stated that Mr. Call is crafting language to be added to the development agreement to that end.

Mr. Call read the following language that he would recommend be added to the agreement: "the developer shall establish a homeowners association (HOA) or other entity to maintain ownership of all common areas and collect dues for the maintenance of all landscaping, exterior building treatment, private streets, parking, snow removal, underground utilities, sidewalks, plazas, and other similar improvements. The Mayor and City Planner shall verify covenants, conditions, and restrictions (CCRs) are in place prior to final approval of the development areas." Council Member Swanson stated he is comfortable with the proposed language.

Council Member Satterthwaite stated that in previous discussions of the project, there was a focus on the potential for certain units to become 'run down' and he asked how it may be possible to ensure that Alliance has the authority to require owners/renters of these units to maintain some sort of standards. Mr. Call stated that his understanding is that the lending institutions for these types of projects require a reserve account be established for ongoing maintenance and the portion of rents collected each month is placed in an account to cover maintenance, but that would be for a project that is made up entirely of rental units. Mayor Taylor stated that lending institutions will still require HOA information for a loan on a townhome and they will ask for history regarding reserve accounts to ensure their loan is secured. Mr. Call added the City does not have the ability to tightly control an HOA and there would be nothing that would stop the owners of the project to band together in the future and vote to dissolve the HOA and manage the property on their own.

Council Member Urry stated it is important to ensure that lending institutions have a requirement for reserves because in the event that a renter is not paying their rent, it can be difficult for the management company to evict them; but it is necessary that the HOA fees are still being paid to facilitate maintenance/management.

Council Member Satterthwaite addressed Mr. Call's comments about the ability of owners in the project to dissolve the HOA in the future and noted that type of HOA would be responsible for areas that are commonly owned and not individual units themselves. Mr. Call stated that the exterior of units are commonly owned and managed/maintained by the HOA, with the exception of single family units.

Mayor Taylor asked Mr. Barrett if he is comfortable with the language recommended by Mr. Call. Mr. Barrett answered yes and indicated that he is willing to include the CCRs for the project as an exhibit to the agreement.

Continued high level discussion among the Council and staff centered on the ability of a property management company to evict a tenant for nonpayment of rent or HOA fees, after which Mayor Taylor stated he feels the development agreement, with the additional language added by Mr. Call, is adequate to ensure the developer or property management company has a vested financial interest in the proper maintenance of the project.

Council Member Satterthwaite stated that he has heard concerns that these types of developments attract sex offenders as tenants; he viewed the sex offender registry website and found that there are actually more registered sex offenders around his home than around other high-density developments in the area and he hopes that the quality that Mr. Barrett is willing to ensure will be another factor in deterring sex offenders from moving to the development.

Council Member Urry stated that he thinks some of the most important information included in the Mayor's presentation was the demographic data; he was in a meeting today where discussion centered on what is known as the "iGeneration", or people born after 1994. Suicide rates for this generation are high and many do not secure drivers licenses. It is important to keep in mind that all generations are different and different housing types are truly needed to accommodate those differences.

Council Member Turner inquired as to the timeframe of the development and asked if there is something in the development agreement that calls for completion of certain phases or components by certain dates. Mayor Taylor stated that will be left up to the developer. Council Member Turner stated that once permits are issued, the permit holder has one year to complete their project. Mayor Taylor stated that is correct, but he is not sure the approximate start date for the project. Council Member Turner asked if the developer will be required to submit plans to specify how dust and other negative aspects of construction can be mitigated throughout the project in order to minimize the impacts on adjacent property owners. Mayor Taylor stated that if the Council approves the development agreement, it is up to the developer to produce all documentation that meets all stipulations of the agreement in order to commence the project. Mr. Call added that the development agreement does contain an expiration date that is eight years from the date that the agreement is executed; the agreement will expire in 2025. All other agreements relating to mitigating construction impacts will be required as the project moves through the technical review committee.

Mr. Scott then stated the agreement delegates some authority to the Mayor and himself, as well as the Planning Commission, relative to various components of the project. He stated that site plans are typically reviewed and approved by the Planning Commission, but he interpreted the agreement to mean that the site plan can be reviewed and approved

by himself and the Mayor. Mr. Call stated that the agreement actually indicates that the Planning Commission will review and approve site plans for the apartments; they will also approve the site lighting and landscape plans for the entire project. Any final plans and sign provisions will also be considered by the Planning Commission. Mayor Taylor stated that he and Mr. Scott will simply be acting as agents of the City Council to ensure compliance with the development agreement or City land use code. Mr. Scott stated he simply wants to make sure there is a very clear understanding of what the Planning Commission will be responsible for and what he and Mayor Taylor will be responsible for. Mr. Call stated the agreement specifies that the elevations, colors, and site plans will be approved by the Mayor and City Planner, but that can be amended to indicate that elevations and colors only will be reviewed by the Mayor and City Planner with site plans to be approved by the Planning Commission. Mr. Scott stated that he would prefer that amendment. Mayor Taylor stated that the Planning Commission has already reviewed and endorsed the site plan and it has been made an exhibit to the development agreement that is now before the Council. He stated he does not want to make unnecessary changes to the agreement if the site plan has already been reviewed by the Planning Commission. Mr. Barrett agreed and stated that a substantial change to the site plan could be considered by the Planning Commission, but he feels that the site plan has been reviewed adequately by the Planning Commission. High level discussion centered on whether there is a need for the site plan to be resubmitted to the Planning Commission, with Mr. Scott noting the Planning Commission has not reviewed a detailed site plan and if there are any future conflicts, the agreement does not provide the Planning Commission with an opportunity to review the site plan. Mayor Taylor stated that while he respects Mr. Scott's opinion, he does not feel an amendment to the development agreement is necessary and that such a change could potentially delay the project with no substantial gain.

Council Member Swanson asked who will review the site plan for the townhomes, cottages, and independent living facility according to the current language in the agreement. Mayor Taylor stated the agreement specifies that the Planning Commission and ultimately the City Council will review those site plans. Council Member Swanson stated that the agreement only specifies that the Planning Commission will review the site plan for the apartments, but not the entire project and he wondered who will review the site plans for the cottages and independent living facility; if that is the responsibility of the Planning Commission, it is necessary to clarify the agreement. Mayor Taylor stated the Planning Commission has already reviewed the entire site plan and it has been made an exhibit to the development agreement; if there are no significant changes recommended, it is not necessary to trigger another review of the document. Council Member Swanson asked why the agreement includes language specifying the Planning Commission will review the site plan for the apartments if they have already reviewed the site plan for the entire project. Mr. Call stated that language was included in the original agreement because the exhibit illustrating setbacks and other design standards was not available at that time; the Planning Commission was charged with being the 'gate keeping' entity to ensure that the project complies with minimum requirements.

However, those matters have been addressed and he simply did not remove the language from the document in his most recent review. He emphasized that the landscape plan will be sent back to the Planning Commission for consideration and approval. Council Member Swanson stated he is comfortable defaulting to Mr. Call's recommendation regarding subsequent reviews. Council Member Satterthwaite stated he is also comfortable though he usually prefers more reviews than less; if Mr. Call suggests amending the agreement to remove the statement that the Planning Commission will review the site plan for the apartments, he will support that suggestion. Mayor Taylor clarified that the Mayor, City Planner, and City Attorney will review future site plans to ensure compliance with City Code and the development agreement. The Council supported removing the language from the agreement.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO ASSIGN A ZONE AND ACCEPT A DEVELOPMENT AGREEMENT TO A LAND AREA LOCATED AT APPROXIMATELY 1851 NORTH WASHINGTON BOULEVARD FROM WEBER COUNTY (A-1) TO MASTER PLANNING COMMUNITY (MPC-VPP)**

Council Member Swanson stated that he is grateful to the residents in attendance for their input tonight and over the past several months and years; he wanted to make it clear that the Council has carefully and thoroughly considered all aspects of the development to this point. Council Member Satterthwaite agreed and stated he is ready to proceed.

Mayor Taylor suggested that any motion to approve the development agreement should contain the amendments to the document relative to clarifying that parking requirements will meet City standards, requiring the creation of a HOA and use of a property management company for maintenance/management of the project, and removing the language requiring Planning Commission review of the site plan for the apartments.

Council Member Swanson motioned to approve Ordinance 2017-22 to assign a zone to the land area located at approximately 1851 North Washington Boulevard from Weber County (A-1) to Master Planning Community (MPC-VPP). 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 unanimously.

Council Member Swanson motioned to approve the Village at Prominence Point Development Agreement A29-2017 for land located at approximately 1851 North Washington Boulevard, with the following amendments:

- **Clarifying that parking requirements meet City standards;**
- **Requiring the creation of an HOA and use of a property management company for maintenance/management of the project;**
- **Removing language requiring Planning Commission review of the site plan for the apartments.**

Council Member Turner 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.

Mayor Taylor thanked City staff for their diligence in ensuring a quality ordinance and development agreement for the project and indicated he has full confidence that the project will be carried out in a way that adds positively to the community.

Council Member Satterthwaite motioned to take a five-minute recess. Council Member Swanson 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 recessed at 10:18 p.m. and reconvened at 10:26 p.m.

6. **DISCUSSION AND/OR ACTION TO APPROVE THE PHASING AND PROJECT PLAN FOR AMPHITHEATER CONSTRUCTION DURING THE 2017-18 AND 2018-19 BUDGET YEARS**

Mayor Taylor used the aid of a PowerPoint presentation to provide the Council with an update regarding the phasing plan and budget for the Barker Park Amphitheater Project. A design committee meets weekly to discuss the project and they have developed a rough site plan for the project, which includes some modifications over the plan previously presented to the Council; the budget for the project is now higher than expected. The initial estimate for the project was \$3.6 million and the updated estimate is now \$4.3 million. The reasons for the budget increase include the following:

1. Construction costs have risen since the City Engineer's estimate (nearly one year ago).
2. The building is larger in the current design, raising costs.
3. There is far more sitework in the current design than contemplated by City Engineer.
4. The concession building/ticket booth and the restrooms are both separate buildings, whereas City Engineer had them all combined as one. Separating these buildings is highly recommended by the Committee, so that people are not walking down towards the stage which also has the restrooms during the show (awkward and uncomfortable for patrons), but separating these buildings is one of the largest single reasons for the higher costs.
5. Addition of the new parking lot east of the amphitheater, which was not included at all in City Engineer's estimate, and which is one of the largest reasons for the now higher estimate.
6. Geopiers recommended because of findings from Geo Technical report (that were unknown at the previous estimate).

He then reviewed the proposed phasing plan for the project; construction of phase one should commence in October 2017 and includes the amphitheater building, 'back house' functions needed to support the amphitheater, and seating. Phase two is the remainder of the park project and includes parking and the plaza area and should commence one year after completion of phase one. He noted that Parks and Recreation Director Staheli has identified solutions for addressing concerns regarding the lack of parking at the site and he asked her to discuss those solutions with the Council. Ms. Staheli stated that in the past, the largest crowd drawn to the amphitheater for a theatrical production was 600 to 700 people and she does not believe that crowds will be any larger than that for at least the first couple of years after completion of the amphitheater improvements; this will give the City time to develop parking plans to provide adequate parking for increased crowds in the future. She then used the aid of the site plan and a laser pointer to identify parking areas at Barker Park that could be used for parking for the amphitheater: existing parking lot at Barker Park (127 stalls) and on-street parking on Barker Parkway (82 stalls), for a total of 209 stalls which should accommodate 836 to 1,045 people. She stated that additional parking options include undeveloped areas of Barker Park (150 stalls), the Barker Family field (150 stalls), the nearby LDS Church house parking lot (414 stalls), and the Wadman Park parking lot (129 stalls).

Council Member Urry stated it would not be appropriate to consider access to all 414 parking stalls at the LDS Church House given that there are often activities at church houses that require parking.

Mayor Taylor then stated the committee has discussed the higher budget estimates at length, and plan to recommend that we phase the project as planned, instead of cutting back on the design. We likely could reduce costs by shrinking the building, by not building additional parking, etc., but we strongly believe that we should instead divide the project into two phases and do the project "right" over time instead of cutting back needed features.

The Committee proposes starting "Phase I" starting this Fall and ending next Spring or early Summer. This Phase would be paid for as follows:

- \$1.1 million approved by Council for construction in FY 2017 budget (includes \$330,000 RAMP grant)
- \$1.0 million approved by Council in FY 2018 budget (estimated)
- \$400,000 FY 2018 RAMP grant (estimated)
- \$600,000 in donations (estimated)
- \$3.1 million total

Phase II would then follow in 2019, and would be paid for by a combination of City budget, donations, and another RAMP grant. Mayor Taylor concluded he feels confident the City can obtain a second and third RAMP grant for this project. Between the two phases, the committee would be looking to raise about \$1 million in donations.

In conclusion, Mayor Taylor briefly reviewed the detailed budget for phase one of the project, identifying costs for various components of items included in the scope of work. He then stated that given the late hour of the meeting, he understands if the Council desires to table discussion and consideration of this item until the next Council business meeting, but he simply wanted to get the information in front of the Council for them to begin thinking about.

Mayor Taylor then briefly reviewed the community pond project and the status of grant applications to fund the project; he is working to get confirmation that federal grant funds will be awarded to keep the costs the City is responsible for much lower than expected. This is important because funding previously allocated for the community pond could be reallocated to the Amphitheater project.

Council Member Urry stated that he does not want to vote on this item tonight as he would like additional time to think about the budget implications. He stated he would also like to understand the 'strings attached' to the federal grant money being sought for the community pond project. He suggested that consideration be given to eliminating the concession stand at the Amphitheater in favor of using food trucks or portable concession

trailers given that the Amphitheater is not used daily, and a fixed concession stand is not needed.

Council Member Satterthwaite stated that he understands the Committee's desire to make the Amphitheater a high-quality facility that will attract high quality performances and productions for the community to enjoy. He stated he believes that is likely why the budget for the project has increased. Council Member Stoker agreed and noted this is a unique opportunity to develop something phenomenal in a beautiful setting; no other community in the area would be able to provide a similar facility.

Council Member Urry asked where the additional \$1 million needed for the project will come from. Mayor Taylor answered the general fund or the capital projects fund; both are extremely healthy and can support his request. He stated he will bring a formal budgetary request identifying funding sources to the Council next week.

In conclusion, the Council participated in high level discussion about amenities at other amphitheaters in the area.

Council Member Turner motioned to table the phasing and project plan for Amphitheater construction during the 2017-18 and 2018-19 budget years. 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 unanimously.

7. 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 the staff has been able to reach an agreement with what is being proposed by Weber Human Services.

The agreement now reflects the changes requested by the Council during the work session on Oct. 3, 2017, including the clarification of remaining costs, equal say in hiring and salary increases. The agreement already covered the indemnification clause under Article 9 which outlines that each group is responsible for their own staff, volunteers, and

invitees (participants). This language covers the City should a lawsuit ever be filed.

The memo concluded staff recommends the Council review this agreement and discuss any additional items that need to be addressed, though the changes were based on comments from the Council at its previous meeting when this was discussed.

Mr. Call reviewed his staff memo and facilitated a brief review and discussion of the proposed agreement. If approved by the Council, the agreement will be submitted to Weber Human Services for review and feedback or execution.

Council Member Satterthwaite motioned to approve Agreement with Weber Human Services and forward it to that entity for review. Council Member Swanson 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.

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

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

9. **PUBLIC COMMENTS**

Bob Buswell, 962 E. 3025 N., stated that he understands Wadman Construction will perform the construction of the Amphitheater and he asked if any consideration has been given to naming the facility after them. Mayor Taylor stated that if Wadman would like to make a large donation to the project, they can secure naming rights. Council Member Urry suggested that Mr. Buswell reach out to Wadman to determine if they are interested in securing naming rights for the project.

Spencer Alexander, 1741 N. 150 E., stated after listening to the discussion about the Village at Prominence Point project, he would like to again declare that he is concerned about the canal that runs through the neighborhoods in the area; he has been told that it floods just because it is a natural waterway and that the project should not increase chances of future flooding, but he wondered if there is an opportunity to have a third party inspect the canal to determine if that is accurate and that the project will not make things worse in the future. Mayor Taylor suggested that Mr. Alexander discuss the matter with Mr. Call. He stated that the City will not pay to hire an outside engineer to evaluate the canal as the City already pays an engineer to evaluate these types of issues. The City Engineer is actually a contract employee that works for a private engineering firm and he has reviewed all storm drain documentation. Mr. Alexander stated he would like to gain a great understanding of the issue and is willing to meet with Mr. Call to review pertinent documentation. He then stated that many existing residents have been classified as being 'anti-growth'; that is not the case, but change is impactful, and he simply wants the Council to take into consideration options for mitigating negative impacts that could result from the development.

10. **COUNCIL/MAYOR/STAFF COMMENTS**

There were no additional Council/Mayor/or staff comments.

11. **ADJOURNMENT**

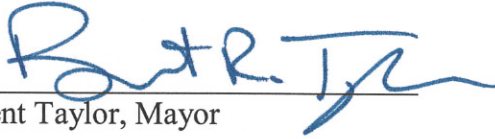
Council Member Swanson motioned to adjourn the meeting. Council Member Stoker seconded the motion.

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.

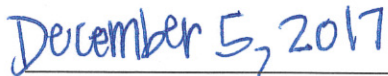
The meeting adjourned at 11:16 p.m.



Brent Taylor, Mayor



S. Annette Spendlove, MMC
City Recorder



Date Approved