

**NORTH OGDEN CITY COUNCIL
MEETING MINUTES**

February 12, 2019

The North Ogden City Council convened in an open meeting on February 12, 2019 at 6:02 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 February 7, 2019. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2018.

PRESENT:	M. Brent Chugg	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	Carl Turner	Council Member

STAFF PRESENT:	Jon Call	City Administrator/Attorney
	Joyce Pierson	Deputy City Recorder
	Evan Nelson	Finance Director
	Dave Espinoza	Public Works Director
	Tiffany Staheli	Parks & Recreation Director
	Dirk Quinney	Police Chief
	Rob Scott	Planning Director
	Lorin Gardner	

VISITORS:	Jeremiah Jones	Jennie Knight	Michelle Tait
	Kevin Burns	K. Scott Barker	Josh Eldridge
	Tamara Payan	Brenda Ashdown	Becca Hain
	Joyce Hain	Jay Johnson	Leonard Looney
	Paul Karner	Mary Ann Karner	B.A. Merrill
	Jeff Shaw	Susan Clements	Kristen Garcia
	Matt Hartvigsen	Stefanie Casey	Sean Casey
	Randy Winn	Janis Christensen	Julie Sanders
	John Hansen	Kim Christensen	Ken Crockett
	Teri Crockett	John Lowe	Laurel Pendleton
	John Pendleton	David Clare	Mary Ann Clare
	Orluff Opheikens	Meg Sanders	

Mayor Chugg called the meeting to order and offered the invocation and led the audience in the Pledge of Allegiance.

PRESENTATION TO NORTH OGDEN CITY FROM MAYOR TAIT, HARRISVILLE CITY.

Harrisville City Mayor Tait stated that in November of 1965 her mother received a phone call informing her that her brother was killed in the Vietnam War; she recalled her feelings from that time and stated they have stayed with her into adulthood. She has visited the Vietnam memorial in Washington D.C. multiple times and each time she receives a sense of peace about the people who are recognized there. She has come to learn of the types of people who are willing to put themselves in harms way for others. She received a call last November from her City Administrator who informed her that North Ogden Mayor Taylor had been killed and she remembered feeling the same way she felt as a child when she learned of her uncle's death. She was bewildered and in disbelief and she and her entire City feel deeply for North Ogden's elected officials, administration, and residents. She stated that the Harrisville City Recorder, Jenny Knight, had the idea to present North Ogden with the flag that was flown over the nation's capitol on the day of Mayor Taylor's funeral. She feels the flag represents and honors Mayor Taylor and she read the inscription on the box holding the flag and also presented the certificate of authenticity for the flag from the United States of America. She concluded that the hearts of Harrisville City leaders and residents are with North Ogden.

PRESENTATION TO HAYDEN ELDRIDGE FOR HIS HEROIC ACT OF SERVICE

Mayor Chugg introduced Hayden Eldridge, a 14-year old young man who displayed great heroism in his efforts to rescue a resident from his burning home. He presented Mr. Eldridge with a certificate honoring him for his heroic actions, quick response, and sacrifice. He also presented Mr. Eldridge with a flag as well as a gift from the City Council. He concluded he believes that the resident would have lost his life if Mr. Eldridge had not been present and reacted in the way he did.

Jeremiah Jones, North View Fire District Deputy Chief, stated he was the incident manager on the fire in which Mr. Eldridge played a heroic part. He read a brief summary of the District's response to the incident and stated that upon arriving at the home he learned that Mr. Eldridge had removed a young man from the burning home after he recognized the sound of fire alarms as he was walking home from school. He stated it is his opinion that Mr. Eldridge did save the life of this resident; he called him a true hero and presented him with the Chief's Commendation Award for his heroic actions. He thanked Mr. Eldridge on behalf of the entire Fire District and the residents it serves.

CONSENT AGENDA

- 1. DISCUSSION AND/OR ACTION TO CONSIDER DECEMBER 18, 2018 CITY COUNCIL MEETING MINUTES**

Council Member Turner motioned to approve December 18, 2018 City Council Meeting Minutes. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

ACTIVE AGENDA

2. PUBLIC COMMENTS

John Lowe, 3428 N. 800 E., stated the first time he was made aware of the discussion about stop signs on 3200 North and 3400 North along 800 East was via a Facebook post by Council Member Swanson. He stated he is very concerned about the reconfiguration of the signs as he lives on 800 East and there is heavy traffic, specifically high school students driving on the road, and they travel at high rates of speed. He stated he understands that stop signs should not be used to control speed, but an open intersection presents a major traffic concern that could lead to fatalities associated with vehicular accidents. The flow of traffic coming down 800 East is already a concern and if the stop signs at 3200 North and 3400 North are removed, there will be an accident. Safety should be the City's number one priority over convenience of drivers. He asked if a traffic or engineering study has been conducted regarding this issue and, if so, he would like for that study to be made public so that he can read it and provide comments.

John Pendleton, 3389 N. 800 E., echoed Mr. Lowe's comments and expressed concern about the presence of elementary school children walking to and from Bates Elementary in the neighborhood and the fact that they could be placed in harms way if the stop signs are removed. He stated he is also interested in reviewing a traffic study for this matter; one of the findings of the study is that because there is more traffic going in the uphill/downhill direction, the reconfiguration of the stop signs is warranted and that finding does not make sense to him. He would prefer a four-way stop at the intersection rather than seeing the configuration adjusted.

Mary Ann Clare, 3435 N. 800 E., stated she has lived in her home for 19 years and has seen the neighborhood grow. The current stop sign placement has worked well for several years, but growth up the hill has increased traffic in the area. She would like for those people to drive slower, but she would also prefer a four-way stop sign at the intersections. She stated that just being outside in her yard can be dangerous; two years ago, a new puppy she had was hit by a distracted driver who was speeding and was unaware of her surroundings.

David Clare, 3435 N. 800 E., stated in the 19 years he has lived in his home, he has never seen a police officer monitoring speed on 800 East; however, he sees them all the time on 1050 East and 400 East. He is curious about the traffic study and how it was conducted in such secret. He stated the residents of the neighborhood that would be impacted by the sign reconfiguration should have been notified months ago so that they could prepare and be involved. He stated he would also like a four-way stop sign. If the signs are removed, the City will need to place a police officer on the road to monitor the flow of traffic and address speeders. He agreed with Mr. Lowe that this is a public safety issue and the Council should have considered the people that live there.

Paul Karner, 822 E. 3400 N., stated that he has a different view than those who have spoken before him; he has almost been t-boned by other cars at the intersections several times because there is not an adherence to the stop signs that are currently in place. He stated that he is convinced that there will eventually be a fatality at the intersection and changing the stop signs to control east/west traffic flow will not solve the root issue. There is an increased amount of speed of traffic in the area and the City needs to consider how to control the traffic there. He stated that regardless of what the study says, he drives through the intersection daily and it is dangerous and must be addressed.

Laurel Pendleton, 3389 N. 800 E., stated that she agrees with everything that her neighbors have said about this issue; she has lived there for 20 years and she also believes there will eventually be a fatality at the intersection. People drive very fast and she regularly witnesses people driving through the stop signs. She strongly feels that the signs need to stay in place. When she moved here, she understood the City eventually planned to extend Monroe Boulevard north through the City and if the stop signs are removed, the amount of traffic on the road will increase to levels seen on 1050 East and 400 East and that is not what she envisioned for the neighborhood in which she bought her home. It is a residential area and she was told by the former Mayor, Brent Taylor, that the stop signs would not be removed because they are needed to control traffic flow. It is very important to keep the stop signs in place as many children cross the street at those intersections; removing them will lead to a child being hit in those crosswalks.

Tamara Payan, 3361 N. 800 E., stated she moved to her home in 1998 and has seen a lot of growth in the area; there are many children in the neighborhoods surrounding these intersections and people driving through the area are doing so very fast and irresponsibly. If the stop signs are removed, people will only drive faster and more carelessly. She asked that the Council listen to her and her neighbors and consider keeping the stop signs in place.

3. INTRODUCTION INTO BUDGET PROCESS

A staff memo from Finance Director Nelson explained that the purpose of tonight's discussion is to initiate the budget process for Fiscal Year (FY) 2020. This process is an opportunity for the City to look into the future and establish priorities and plans for City services and programs. Key players in this process are (1) Residents, (2) City Council, and, (3) City Staff. The Budget

Calendar below has been crafted to incorporate participation by all key players and to help the City Council in its role to establish the course and guide the direction of City progress.

Tonight's discussion is an opportunity for staff to hear initial Council budget priorities that can be incorporated into preliminary numbers. The discussion may also reveal needed budgetary analysis that can be initiated. A more in-depth discussion will occur on February 19th when the Mayor leads the Council in a City Vision Discussion based on results of the recent survey.

Administration looks forward to a constructive and engaging experience as they work together with the Council to create the North Ogden City Budget for Fiscal Year 2020.

Mr. Nelson reviewed his staff memo and presented a budget calendar to highlight the meetings scheduled between now and June 11 to consider various components of the budget prior to final adoption of the FY2020 budget. He then reviewed a handout identifying the role of the Council, City staff, and the public in the budget process. The budget is the City's financial plan to provide services and build and maintain facilities and infrastructure for the fiscal year, including estimates of revenues and authorization of expenditures. The total budget expenditures in FY19 is \$23,494,587. He then stated now is an opportunity for the Council to offer Administration any guidance relative to any portion of the budget; if Council Members are not prepared to offer that guidance tonight, they can email him with their suggestions to inform future budget discussions.

Council Member Turner noted he submitted an email to Mr. Nelson last week identifying projects and priorities he would like addressed in the FY20 budget, such as Police radio upgrades, addressing issues associated with the imminent retirement of multiple City employees, funding for the Chalk Art Festival, and Barker Park funding.

There was no other input from other Council Members at this time.

4. DISCUSSION AND/OR ACTION TO ACCEPT THE AMENDMENTS TO THE 2017-2018 FISCAL YEAR AUDIT

A staff memo from Finance Director Nelson explained that on January 22, 2019 the Council accepted the annual audit report and financial statements. Subsequent to this approval a correction was made to the report. We ask the Council to review the correction and approve the amended financial statements.

The correction is on the Statement of Net Position for the Enterprise Funds (page 21). The original version overstated "Net Investment in Capital Assets" and understated "Undesignated" net position in the Water Fund. The correct amount for "Net Investment in Capital Assets" is \$17,510,646. Undesignated net position is \$1,745,667 in the Water Fund.

A correction was also made to net position in the Sewer Fund. Net position "Designated for capital asset repair and replacement" is \$43,195 and undesignated net position is \$977,368. The

Total Enterprise Funds column was also updated to reflect the changes. The corrected section is shown below, along with the originally presented section.

Correction

	Water Fund	Sewer Fund	Storm Water Fund	Solid Waste Fund	Total Enterprise Funds
Net position					
Net investment in capital assets	17,510,646	7,552,865	8,003,159	195,478	33,262,148
Restricted - impact fees	-	206,935	1,011,271	-	1,218,206
Unrestricted					
Designated for capital asset repair and replacement	177,526	43,195	58,602	89,106	368,429
Undesignated	1,745,667	975,368	1,135,919	342,367	4,199,321
Total net position	\$ 19,433,839	8,778,363	10,208,951	626,951	39,048,104

Original

	Water Fund	Sewer Fund	Storm Water Fund	Solid Waste Fund	Total Enterprise Funds
Net position:					
Net investment in capital assets	19,300,519	7,552,865	8,003,159	195,478	35,052,021
Restricted - impact fees	-	206,935	1,011,271	-	1,218,206
Unrestricted					
Designated for capital asset repair and replacement	177,526	41,195	58,602	89,106	366,429
Undesignated	(44,206)	277,368	1,135,919	342,367	2,411,448
Total net position	\$ 19,433,839	8,778,363	10,208,951	626,951	39,048,104

Mr. Nelson reviewed his staff memo.

Council Member Barker motioned to accept the amendments to the 2017-2018 Fiscal Year Audit. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

5. DISCUSSION ON STOP SIGNS ON 3200 NORTH AND 3400 NORTH ALONG 800 EAST

Police Chief Quinney reviewed a notice that was provided regarding a proposed traffic pattern change on 800 East as follows:

“Please be aware of a traffic pattern change that may affect you and your children if you utilize 800 E between 3100 N and 3550 N for vehicle or pedestrian traffic. Sometime during the week

of February 11, 2019, the stop signs at the intersections of 800 East 3200 North and 800 East 3400 North will be moved. Currently, at both intersections, the stop signs are placed so that north and southbound traffic have to stop. The stop signs will be moved, at both intersections, to the opposite directions so that east and westbound traffic will have the stop signs.

Over the last few years the city has been approached by a number of users of the intersections with concerns and questions as to the functionality and reasoning behind the current placement of the stop signs. Years ago, when those stop signs were first put up, there wasn't near the number of residences higher on the hill. Now that the hillside is filling up with homes the north and southbound traffic on 800 E has significantly increased.

The Police Department conducted a survey regarding the use of both intersections by vehicles and pedestrians. It was found that north and southbound vehicle traffic made up 65% - 75% of the traffic using the intersections. The pedestrian traffic utilizing the north and south crosswalks and the east and west crosswalks was very close to 50% - 50%, indicating the position of the stop signs was irrelevant to pedestrian users. The results of the survey indicate that it would be most practical to have the stop signs stop east and westbound traffic.

If you have children who use this route to get to and from school, please take some time to talk to them about the change and to educate them on crosswalk safety. If you use these intersections as a motorist, please be extra careful at these intersections while everyone adjusts to the change.”

Chief Quinney then reviewed the survey results for the traffic study of the area. The survey was conducted January 23 and 24, which were both school days, and traffic counts for the morning and afternoon hours were collected.

Traffic Survey 800 E/3200 N & 800 E/3400 N												
	800 E/3200 N						800 E/3400 N					
	Vehicles		Pedestrians				Vehicles		Pedestrians			
	EB & WB	NB & SB	East	West	North	South	EB & WB	NB & SB	East	West	North	South
1/23/2019												
Morning	76	156	1	0	3	9	15	67	0	0	0	1
Afternoon	69	110	16	1	5	10	22	62	5	0	5	0
1/24/2019												
Morning	89	166	3	0	6	2	23	66	1	0	0	0
Afternoon	69	155	25	1	10	9						
Totals	303	587	45	2	24	30	60	195	6	0	5	1
Vehicle Percentage	34%	66%	45%	2%	24%	30%	24%	76%	50%	0%	42%	8%
Pedestrian %			47%		53%				50%		50%	

He then discussed the purposes of various traffic control devices and responded to feedback offered by residents about activity at the intersection and their concerns about the removal of the stop signs. Mayor Chugg permitted dialogue between residents and Chief Quinney regarding the behavior that residents have witnessed at the intersections. Chief Quinney noted that many residents, who are not present this evening, have voiced opposing concerns to those that have been expressed this evening; the comments and concerns they have expressed were what led to the initiation of the traffic count study and the consideration of removing the stop sign.

Council Member Cevering stated that he lives near 800 East and he understands the concerns that have been expressed by residents this evening; he also was not aware of this change until the residents were made aware of it and that is because the Council cannot be involved in every decision that is made in the City. The City employs professional individuals who are given the responsibility to make decisions regarding these types of issues and he is supportive of those individuals. However, he agrees with much of the feedback that has been offered by residents tonight and he would be supportive of delaying the removal of the stop signs and, perhaps, evaluating whether a four-way stop sign for the intersections would be appropriate. This led to discussion among the Council, residents, Chief Quinney, and City Engineer Gardner regarding the standards the City must consider for the placement of stop signs or other traffic control devices. The residents urged the Council to delay the action of reconfiguring the stop signs and conduct a traffic study in the spring or summer months where there is more pedestrian activity in the area.

Council Member Barker stated that he has worked closely with Chief Quinney and can attest to the fact that safety is his number one concern; if Chief Quinney is recommending that the reconfiguration of the stop signs will improve safety at the intersections, he believes him.

Council Member Turner stated he trusts the Chief completely as well, but asked if the new stop signs can be installed, but the old stop signs left in place, to create a four-way stop sign for the time being until further evaluation and traffic counting can be performed. Chief Quinney stated that he will follow any direction the Council offers tonight, but he is unsure that a four-way stop sign will yield the results the residents are expecting. Mayor Chugg stated he would like for Chief Quinney to erect the stop signs to create a four-way stop. Chief Quinney stated that he will proceed as directed.

6. **DISCUSSION AND/OR ACTION TO APPOINT SCOTT BARKER TO SERVE ON THE PLANNING COMMISSION**

Mayor Chugg stated that he is recommending that Mr. Barker be reappointed to the North Ogden Planning Commission and he asked for the Council's support of that appointment.

Council Member Turner motioned to accept the appointment of Scott Barker to serve on the Planning Commission. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

Mayor Chugg thanked Mr. Barker for his service. Mr. Barker thanked the Mayor and Council for their vote of confidence and indicated he has learned a great deal through his service as a Planning Commissioner.

7. **DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE VILLAGE AT PROMINENCE POINT'S DEVELOPMENT AGREEMENT FOR ULTIMATE CAR WASH**

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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 Village at Prominence Point development agreement requires that the City Council approve all commercial site plans. There is a companion agenda item that has the consideration for approving the Ultimate Car Wash site plan.

The site plan as recommended by the Planning Commission requires the City Council to approve modifications to a number of the required development agreement standards.

Staff is recommending a development agreement amendment that will simplify the commercial site plan review process. The amendment process gives the City Council the authority to modify the setbacks and orientation of the commercial development to fit the character of the development consistent with the goals of the MPC zone.

The following proposed language below is to add a new subsection c:

Section 23 Subsection c

The City Council shall approve all setbacks, lot coverages, building orientations, and all other site development standards for commercial site plans after a review and recommendation by the Planning Commission. Variations from the MPC standard zoning are to be limited, and designed to enhance the goals of the MPC zone.

The memo concluded the recommendation before the Council is to consider adoption of the development agreement to allow a simplified commercial site plan review by the City Council.

Council Member Turner motioned to approve Agreement A4-2019 amending the Village at Prominence Point's Development Agreement for Ultimate Car Wash. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER A SITE PLAN FOR ULTIMATE CAR WASH

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, land use text amendments, and development agreements. 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.

BACKGROUND

The City Council approved a request on October 9, 2018 to amend the Village at Prominence Point project development agreement to allow automatic car wash as a use. The development agreement amendment was adopted on December 18, 2018.

The City Council is the land use authority for commercial site plan reviews as per the development agreement; the Planning Commission is acting as a recommending body. (See Exhibits B)

Development Agreement - Subsection 10, Architectural Design Standards.

a. Commercial Area

i. All site plans, landscape plans, and building elevations shall be approved by the City Council as identified in section 23.

The applicant has submitted an application, site plan, landscape plan, and civil engineering drawings. (See Exhibits A, C – G)

A Technical Review Committee meeting was held on October 17, 2018. The notes from that meeting are contained in Exhibit H.

Site Information

Site	47,849 Square Feet
Building	5,677 Square Feet (11.9%)
Landscape Area	13,348 Square Feet (27.9%)
Hard Surface	28,824 Square Feet (60%)

Staff has analyzed the various development standards for this site plan submittal including the MPC requirements and development agreement.

11-7K-5 Development Standards

A. Building Placement and Massing.

1. Setbacks. Building facades should comprise 65% of the frontage facing Washington Blvd...

Analysis: The car wash site has 310 feet of frontage; the building length is 166 feet or 53.5%. The building would need to be 202 feet to meet this standard.

PC Recommendation: The Planning Commission recommends that the site design of 166 feet or 53.5 % be approved.

Building setbacks on Washington Boulevard – 0 to 10 feet

Analysis: The site plan shows a 20-foot setback. See section C. Land Use Impact and Buffering.

PC Recommendation: The Planning Commission recommends that the 20-foot setback be approved.

A. 3. Building Orientation.

The entrances of all retail uses shall always front onto major streets.

Analysis: The front entrance is on the west of the building and does not face Washington Boulevard. See subsection C below.

PC Recommendation: The Planning Commission recommends that the site design with no entrances onto Washington Boulevard be approved.

B. Building Height

e. The maximum building height in the Commercial Area is thirty-five (35) feet as identified in the Development Agreement.

Analysis: The car wash is a one-story building with 34 feet.

C. Land Use Impact and Buffering

Landscape buffers are preferred over walls.

Analysis: The site plan does not have any fences or walls. The landscape plan shows a five-foot buffer on the north next to the Big O store and a five-foot buffer on the south. The west side fronts onto 385 East.

...the land use authority, after due consideration, may modify building setbacks and heights to create better separation, and/or require additional architectural and/or landscape elements, as needed to mitigate anticipated detrimental impacts between uses.

Analysis: The car wash entrance is on the west side of the building. It is a predominantly auto oriented use. The City Council may want to adjust the front setback based on this issue.

PC Recommendation: See Section A3 above; the Planning Commission recommends approval.

D. Architectural Design and Materials

The treatment of building mass, façade variation, materials and exterior appurtenances shall create an aesthetically pleasing building and site that is in character with the proportions of other surrounding buildings, and yet provides diversity in design.

1. All sides of buildings shall receive substantial design consideration, with an emphasis on areas visible to pedestrians, vehicular traffic, and neighbors....(See Exhibit D)

Analysis: The building façade has a consistent design theme.

2. Screening: All building equipment and service areas, including on grade and roof mechanical equipment, utility meters, and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, especially from major streets, or they may be enclosed as to appear to be an integral part of the architectural design of the building. Dumpsters (shall not be located closer than 20' from any property line), and other necessary equipment shall be located or screened so as not to be visible from streets, pedestrian areas, and adjacent. Screening elements shall be aesthetically incorporated into the design of the site whether located on the ground or on a structure.

Analysis: The building equipment and service areas, including on grade and roof mechanical equipment, utility meters, and transformers are not shown on the site plan. The location of mechanical equipment, utility meters, and transformers location needs to be identified. They should be screened and not be visible from Washington Boulevard. These items can be reviewed at the time of building permit to meet this standard. The dumpster appears to be located in the south landscape island. It needs to be noted on the site plan. A dumpster design is required to be submitted.

PC Recommendation: The Planning Commission recommends that the mechanical equipment, power meter, and transformers will be screened by the vegetation shown on the landscape plan.

3. Basic building materials shall include, but are not necessarily limited to, architecturally treated pre-cast concrete, brick, stone, granite, ceramic tile, cement/fiber board, architectural metals, and/or glass. All residential uses shall have substantial brick and/or masonry exteriors. Limited amounts of stucco, vinyl siding and metal may be considered as accent materials, if the quality of the design merits such consideration. The use of exposed concrete (architectural concrete excepted), or vinyl for storefront facades is not permitted. All buildings within the development shall incorporate some common architectural theme and/or architectural elements, creating a unifying development.

Analysis: The building materials consist of cementitious siding, stone veneer, split faced CMU wall, EFIS wall, prefinished corrugated metal wall panel, powder coated steel awning and support columns, and metal roofing. (See Exhibits C and D) The applicant is willing to replace the EFIS with cement siding or the City Council's choice.

PC Recommendation: The Planning Commission recommends that the building materials be approved.

4. No more than four colors may be used per development excluding the roof. Earth tone colors are encouraged to help buildings blend into the environment; however, color may vary if approved by the land use authority as being compatible with surrounding developments. Approved tinted glass surfaces shall be considered as one of the colors allowed and shall conform to the color requirements included herein.

Analysis: The building elevations shows 4 colors. The City Council will determine if they are appropriate. (See Exhibit C)

PC Recommendation: The Planning Commission recommends that the building elevations and colors be approved.

5. Buildings shall be designed to relate to grade conditions with a minimum of grading and exposed foundation walls, creating easy pedestrian access from sidewalks, parking areas, etc. Commercial buildings shall be designed with ground floor architectural distinction/separation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, bay and/or box windows, terraces, or other design features which are oriented to the street, or other people spaces. Windows shall make up at least 50% of street-facing facades on the first story of commercial developments. Window shapes and sizes shall be so designed to be compatible from building to building. Substantially tinted windows and windows with reflective film or glass are not permitted at street level; however, windows with a minimum of tinting to meet low-e and other energy efficiency standards are highly encouraged. Building

facades should provide at least one operable building entrance per elevation that faces a public street.

Analysis : The car wash access comes entirely from the west side of the building with no pedestrian access. The site design does not have the required one building entrance that faces Washington Boulevard.

The applicant will need to verify if the east side of the building meets the 50% coverage.

PC Recommendation: The Planning Commission recommends that the building elevations, window percentage, and building entrance modification be approved.

6. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first-floor level shall be fifteen feet (15').

Analysis: A verification of separation will need to be provided.

PC Recommendation: The Planning Commission recommends that the building elevation is acceptable with the shown separations.

E. Signage. Proper design and placement of signs and their lighting is critical. All developments shall have a sign theme which promotes use compatibility. Permitted signs within the MPC Zone shall be, directional signs, or signs located on the building. Wall signs, projecting wall signs, and window signs, approved as part of a sign theme, are encouraged. Where approved, a monument sign must comply with the following limitations: the sign shall have as the prominent feature the name of the development. Font styles shall be consistent. Monument signs shall be constructed with materials similar to that of the main building. Monument signs may not obstruct the clear of view of any intersection or driveway. Only A-frame signs and painted murals on the inside of a storefront window are encouraged as temporary signs.

Analysis: The signage plan shows a request for 6 signs; 5 wall signs and 1 monument sign. There is a requirement for the font styles to be consistent throughout the project. The master developer should be consulted and give approval of the font as it will need to be used throughout the Village at Prominence Point commercial area.

The sign plan is to be approved by the City Council. There are no specific dimensions in the MPC zone. If this project was in a commercial zone, then the following standards would apply:

PC Recommendation: The Planning Commission recommends that the sign standards as outlined below be approved.

The maximum area for the wall signs per frontage is 200 square feet plus one additional foot where the lot is over 200 lineal, the lot is 310 feet long, so 110 feet is added for a total of 310 square feet.

Washington Boulevard Wall Signs #1, (133 square feet), #2, and #3 – (70 square feet each). This totals 273 square feet. The maximum allowed is 310 square feet.

385 East Wall Signs # 4, (133 square feet), and #5 – (70 square feet). This totals 203 square feet. The maximum allowed is 310 square feet.

Washington Boulevard Monument Sign #6 – Is 71.5 square feet. The maximum allowed monument sign is 75 square feet with an additional 30 square feet for changeable copy. The maximum allowed for both sign faces is 105 square feet.

The two sign faces total 143 square feet. This exceeds the allowed square footage by 38 square feet.

The size of the changeable copy area cannot exceed 30 square feet or 50% of the total sign area. Therefore, the monument sign will need to be reduced to 105 square feet; 52.5 feet per side with the changeable copy area at 15 square feet per side.

The monument sign shows a dimension of 13 feet in width and 7 feet in height.

The applicant has agreed to the above standards

PC Recommendation: The Planning Commission recommends approval of the above sign standards. The applicant is working with the master developer regarding a consistent font.

F. Open Space. Significant usable open space equal to 20% of the project shall be provided within the MPC development, depending upon the size, scale, and nature of the development as determined by the Planning Commission.

Analysis: There is 13,348 Square Feet of landscaped area or 27.9% of the site which meets this standard.

PC Recommendation: The Planning Commission found that the landscape plan meets the required landscape standard.

G. Landscaping. Landscaping guidelines are established to improve and maintain site qualities. Landscaping, in general, shall conform to the following principles:

1. No plans for any building, structure or other improvements shall be approved by the Land Use Authority unless there shall also have been submitted landscape and streetscape plans satisfactory to the Planning Commission. All such plans shall promote water-wise landscaping designs and include xeriscape, where appropriate.

5. Plant Materials:

- a. 60% medium size trees; deciduous trees with a caliper from 2 to 3 inches and evergreen trees with a height from 5 to 8 feet. 40% small size trees and shrubs in a combination with deciduous trees with a caliper of 1 to 2 inches and evergreen trees with a minimum height of 4 feet. Where possible, a 50/50 mix of deciduous and evergreen trees and shrubs shall be used for on-site landscaping.
- b. Where required, street trees with a minimum 2-inch caliper shall be installed along public rights-of-way by the developer. The species-type, location, and spacing of trees shall be as shown on the approved landscape plan, in coordination with streetscape designs.

Analysis: A landscape plan with two alternative designs for the Washington Boulevard streetscape have been submitted. (See Exhibit E)

The Landscape Plan has a sufficient number of plants that meets the MPC requirements.

The City is currently finalizing the streetscape design. The applicant has shown two options. It is recommended that the streetscape component approval be delayed until the City approves a final streetscape standard.

The streetscape standard will include the sidewalk dimension, location of street trees, street furniture, street lighting, etc.

The flowering cherry tree, *Prunus serrulata* Akebono is shown along Washington Boulevard. Research has identified that the cherry tree species may be susceptible to salt. Since salt is regularly applied as part of snow removal; this is being investigated.

PC Recommendation: The Planning Commission recommends that the landscape plan be modified to reflect the upcoming streetscape plan standards.

H. Outdoor Lighting. The lighting of streets, pedestrian areas, parking lots, and open space is required. Exterior wall mounted floodlights are expressly prohibited. Indirect lighting, bollard lighting, and landscape lighting is encouraged. Lighting of a building and site identification signs are permitted as allowed elsewhere in this Code.

Lighting along Washington Blvd., the Downtown and Southtown, and 2700 N. shall be an approved fixture as selected by the City.

Lighting shall be evaluated as to how adequately it meets its intended purpose. Design and location of standards and fixtures shall be specified on the site development drawings and a lighting plan provided. Intensities shall be controlled so that 'safety' lighting is provided while neighboring areas are protected from glare or excessive direct light. All lighting shall be directed to the ground to protect the visibility of the night sky.

Analysis: The City is in the process of installing pedestrian lights along Washington Boulevard and will be consistent with the upcoming streetscape standards.

PC Recommendation: The Planning Commission recommends that the landscape plan be modified to reflect the upcoming streetscape plan standards.

I. Streets and Pedestrian Ways

1. Streets. All accesses within an MPC should have connectivity with existing and future street patterns...

Analysis: The site is accessed by a driveway from Washington Boulevard and the entrance is off of 385 East.

PC Recommendation: The Planning Commission recommends approval of the site access points.

3. Sidewalks and Walkways. The design of pedestrian ways may include a solitary meandering pathway or trail, a 'pedestrian street' and the many possible designs in-between. Walkways and connections to trail systems shall be incorporated into the project. Choice of appropriate pedestrian access shall be made based upon the scale and type of mixed-use project being proposed and by the way uses are intermingled. A ten-foot cross-section (five-foot park strip, five-foot sidewalk) is a minimum standard, while sidewalks widths of 10' are suggested for properties that front on Washington Blvd. and/or 2700 N. All public streets shall have walkways for pedestrians.

Analysis: The standard for sidewalk widths is recommended to be a minimum of 10 feet. The Washington Boulevard Streetscape standard is forthcoming.

PC Recommendation: The Planning Commission recommends that the landscape plan be modified to reflect the upcoming streetscape plan standards.

4. Pavers, borders, colored/textured concrete and other sidewalk design materials with compatible colors shall be used as needed in order break up expanses of hard-surfacing and to encourage pedestrian interest and activity. In vertical mixed-use areas, wider sidewalks are required in order to enhance street and land use connectivity. Portions of the park strip may be paved or crushed rock, to accommodate street furniture, leaving tree wells for street trees. Corner plazas are encouraged. Street furniture, including but not limited to benches, trash receptacles, artwork, drinking fountains, bike racks, etc. may be required depending upon the nature of approved uses. Street furniture requirements shall include an overall design theme for compatibility.

Analysis: This standard will be included in the streetscape design.

5. Crosswalks. Extensive use of crosswalks shall be incorporated within the project. Crosswalks shall be so configured to be a design feature of the development, i.e. heavy painted lines in patterns, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian design shall be used to shorten walking distances across open pavement. Planted medians shall be used in appropriate areas to encourage walking and to act as a 'refuge' for crossing pedestrians.

Analysis: There are no anticipated cross walks for this development.

J. Other Forms of Transportation. All forms of transportation shall be considered within and without the MPC with the intent to improve convenience and reduce automobile trips. All forms of transportation should be encouraged, including, walking, bus, bicycle, and pedestrian. Access connections shall be required where deemed essential to provide circulation or access to churches, schools, playgrounds, shopping centers, transportation, and other community facilities.

Conveniently located short term bicycle racks shall be required in every development along the street frontage with the ratio of one rack that accommodates at least 2 bikes per business with up to 25 employees and one rack that accommodates at least 4 bikes for businesses with over 25 employees. Long term bike rack/storage is required for residential developments with a ratio of one rack that accommodates at least 5 bikes for every 50 units.

Appropriate bus turnouts, shelters, and stops shall be coordinated and planned as part of the development review process. Based upon land use and the level of demand, bicycle parking shall be provided in appropriate locations, i.e. visible from store fronts and entrances to office buildings and residential structures.

Analysis: The required bike racks will need to be added to the site plan as to number and location.

The location of UTA bus shelters will be identified as part of the streetscape standards and coordination with UTA.

PC Recommendation: The Planning Commission recommends that the appropriate bike racks be installed as per the standard.

K. Parking Areas. Parking areas shall be considered as structures since they present a three dimensional appearance when occupied.

Location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe convenient pedestrian and vehicular circulation patterns. Where possible, parking lots shall be broken up and planned as 'outdoor rooms'. When approved, larger parking lots shall be broken up with substantial tree and ground cover. Large parking lots should be broken up into 'rooms' of no more than 300 parking stalls thru the use of connecting walkways. Where practical, parking lots shall incorporate interior retention through the use of internal islands for storm water retention with a ratio of an island for every 16 parking spaces.

Unless otherwise approved by the Land Use Authority, parking lots are prohibited adjacent to any street and/or between a building and the street. Parking shall be located to the rear of the building or to the side. Parking lots located to the side of a building shall incorporate adequate screening, such as short walls and hedge type landscaping between the lot and the public sidewalk.

Analysis: No parking is next to Washington Boulevard. The parking is shown to be at the front entrance on the west side of the building.

The site plan does not indicate the number of employee stalls vs. the stalls for vacuums. The number of employees needs to be identified. The location and number of vacuum stalls needs to be placed on the site plan.

L. Environmental. Building, landscape, and solar design should be adjusted, where possible, to be compatible with the local climate. Such design should include, but may not be limited to, window placement, building recesses, overhangs, trellises, awnings, porches, and landscape placement, planned in such a way to enhance livability and reduce energy costs.

The use of lighter colored building materials (i.e. roof tops), fences/walls, and extensive deciduous and evergreen tree cover shall be incorporated into developments in order to reduce the urban heat island effect. Where possible, streets, driveways, parking lots, etc., should use concrete or other materials which absorb less sunlight. Interior and perimeter parking lot landscaping shall be provided at the ratio of at least one tree per six parking stalls.

Where practical, drought resistant ground covers, shrubs, and trees shall be incorporated into the landscape to reduce water usage and storm runoff. Extensive areas of grass or other high water use plants without a public purpose are discouraged.

Analysis: The site design does not specifically identify how these standards are addressed.

The memo discussed the application's conformance with the General Plan. The General Plan map shows this property in the Southtown area with two land use designations, i.e., Mixed Use and Main Street Commercial.

Mixed Use – development areas that combine residential, commercial and/or office uses.

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.

Southtown Goals

- Create design features that announce you have arrived in North Ogden.
- Provide a support function to the Downtown.
- Revitalize the North Ogden plaza in the Kirt's area.

Goal # 1- Create design features that announce you have arrived in North Ogden.

Strategies

- Consider additional height requirements in strategic locations, such as the corners that intersect Washington Boulevard.
- Corner towers could create a recognizable theme that ties in with the Downtown.

- Larger corner plazas with distinctive features such as artistic signs could create a gateway effect for North Ogden.
- Work with UDOT to change the street cross section and improve pedestrian street crossings to include reduced speeds, traffic calming such as medians, on-street parking, and landscaped bulb outs.
- Change the streetscape with widened sidewalks, street trees, and specialty cut-off lighting.
- Address signage to improve appearance and create distinctiveness from standard suburban strip mall type development.
- Consider the Cannery architectural style as a possible theme to reinforce in the area.

Goal # 2 - Provide a support function to the Downtown.

Strategies

- Promote mixed use housing concepts that add quality developments to the area and provide more rooftops to support business.

The memo offered the following summary of potential Land Use Authority considerations:

- Is allowing an automatic car wash consistent with the vision for the Village at Prominence Point project?
- By allowing one third of the frontage of the Village at Prominence Point project for a strip commercial use setting precedence for the frontage of the VPP project?
- Is this request consistent with the upcoming form-based code?
- Is the proposal consistent with the General Plan?

The memo concluded the Planning Commission should recommend to the City Council if the site plan meets the MPC zone and development agreement.

There are a number of design elements that will need to be adjusted or the development agreement modified:

Page 2:

- Building facades should comprise 65% of the frontage facing Washington Blvd. vs the site plan showing 53.5%.
- Building setbacks on Washington Boulevard – 0 to 10 feet vs. the site plan shows a 20-foot setback. Should the setback be modified?
- The building orientation entrance is on 385 East and not Washington Boulevard.

Page 3:

- Building equipment and service areas to be identified on the site plan / building elevations.
- The dumpster location needs to be shown on the site plan. The dumpster design needs to be submitted.

Page 4:

- The building materials consist of cementitious siding, stone veneer, split faced CMU wall, EFIS wall, prefinished corrugated metal wall panel, powder coated steel awning and support columns, and metal roofing. (See Exhibits C and D) The applicant is willing to replace the EFIS with cement siding or the City Council's choice. What material should replace EFIS?
- The site design does not have the required one building entrance that faces Washington Boulevard.
- The applicant will need to verify if the east side of the building meets the 50% window coverage on Washington Boulevard.
- The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first-floor level shall be fifteen feet (15'). A verification of this standard separation will need to be provided.

Page 5:

- What signage standard should be applied and is the sign plan acceptable?
- The master developer is to approve the signage font.

Page 7:

- Elements of the streetscape plan are to be included with the final site plan approval.
- Bike stands are to be added to the site plan based upon the number of employees.
- Washington Boulevard Streetscape

Page 8:

- The number of employees needs to be identified.
- The number of employee parking stalls shown on the site plan to satisfy the parking standard.
- The location and number of vacuum stalls needs to be included on the site plan.
- The applicant should address how section L. Environmental is being addressed. Are there any environmental design features?

Mr. Scott reviewed his staff memo, paying careful attention to the Planning Commission regarding various components of the site plan. He also presented the minutes of the January 9, 2019 Planning Commission meeting and drew the Council's attention to the finding statements that support the Planning Commission's recommendation regarding this use.

Council Member Cevering motioned to approve a site plan for Ultimate Car Wash as recommended by the Planning Commission, based on the findings and subject to the conditions listed in the staff report. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

9. PRESENTATION ON AN ORDINANCE TO REVISE THE SETBACK AND USE STANDARDS FOR COMMERCIAL C-1, C-2, CP-1, AND CP-2 ZONES, STREETScape STANDARDS, AND ADDING CONVENIENCE STORES AS AN ALLOWED USE IN COMMERCIAL ZONES

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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.

BACKGROUND

At the December 5, 2018 Planning Commission meeting a site plan was considered at the intersection of 300 East and 2700 North. The Planning Commission was concerned that the existing C-2 site development standards interfered with the implementation of the form-based code/walkable streetscape standards.

On December 18, 2018 the City Council adopted a temporary form-based code land use regulation in order to allow time for the form-based code adoption process to proceed. This amendment does not impact that regulation.

On December 19, 2018 the Planning Commission reviewed a draft amendment that addresses some of the concerns raised in their December 5, 2018 meeting regarding walkability.

The Planning Commission conducted a public hearing on January 9, 2019. There was one member of the public who spoke at the hearing.

Front Setback

The existing minimum front setback standard of 20 feet precluded the ability to have the building at or near the back of sidewalk. The following amendments address this concern.

In addition, amendments to the C-1, C-2 and CP-1 CP-2 site development standards are included to insure the consistency of lot widths and lot coverage. See below:

11-8A-2: SITE DEVELOPMENT STANDARDS

- A. Minimum Lot Area: Eight thousand (8,000) square feet.
- B. Minimum Lot Width: None.
- C. Minimum Yard Setbacks:
 - 1. Front: Twenty feet (20') for all buildings and walls or fences over three feet (3') high; **buildings that front onto Washington Boulevard or 2700 North may be required to have a 0-foot setback as determined by the Planning Commission.**
 - 2. Side: None, except ten feet (10') adjacent to residential boundary;
 - 3. Side facing street on corner lot: Twenty feet (20');
 - 4. Rear: None, except ten feet (10') where building rears on a residential zone.
- D. Building Height:
 - 1. Minimum: Ten feet (10').
 - 2. Maximum: Thirty-five feet (35').
- E. Lot Coverage: No building or accessory buildings shall cover over ~~sixty~~ **eighty** percent (~~60%~~) (**80%**) of lot area.
- F. Minimum Standards Determined: Minimum site development standards for dwelling units shall be determined by the planning commission.

11-8B-3: SITE DEVELOPMENT STANDARDS

- A. Minimum Lot Area: Eight thousand (8,000) square feet.
- B. Minimum Lot Width: None.**
- C. Minimum Yard Setbacks:
 - 1. Front: Twenty feet (20') for main building or walls or fences over three feet (3') high; **buildings that front onto Washington Boulevard or 2700 North may be required to have a 0-foot setback as determined by the Planning Commission.**
 - 2. Side: None, except ten feet (10') adjoining a residential zone.
 - 3. Side facing street on corner lot: Twenty feet (20').
 - 4. Rear: None, except ten feet (10') adjoining a residential zone.
- D. Building Height:
 - 1. Minimum: Ten feet (10').
 - 2. Maximum: Thirty-five feet (35').
- E. Lot Coverage: The aggregate of all buildings and hard surfaced areas shall not exceed eighty percent (80%) of the entire area.

Streetscape

A standard is included that clarifies that streetscapes designs are to be approved by the Planning Commission as part of all properties going through site plan review.

11-10-37 Streetscape Standards

Streetscape designs are required for properties going through site plan review and shall be approved by the Planning Commission. The streetscape design shall include the space behind the projected curb and tie into the required onsite landscape plan, e.g., shall include street trees, tree grates, pedestrian lighting, bus shelter location, and street furniture.

Commercial Use

Convenience store is not an allowed use in our commercial zones. The amendment adds them as a permitted use in C-1 and C-2 zones.

11-8A-7: Uses

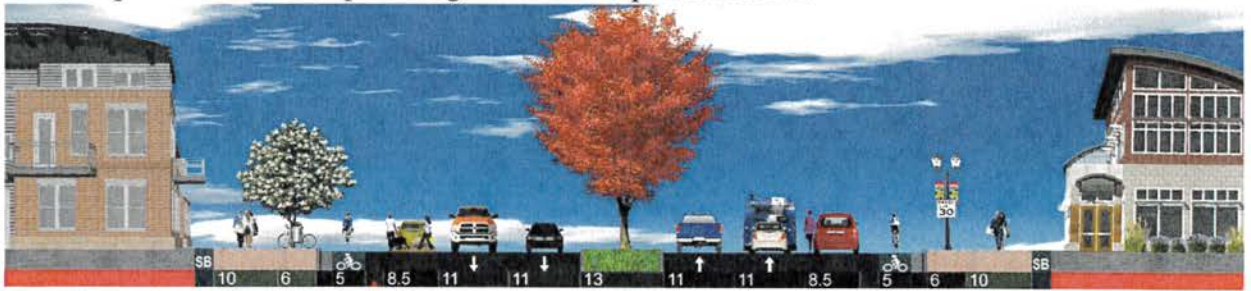
In the use table add Convenience Store as a permitted use in C-1 and C-2 zones.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015. The General Plan has references to Washington Boulevard in the Transportation chapter, and the Downtown and Southtown district chapter descriptions.

Transportation

“In order to develop a more walkable, safe and attractive downtown area, cross-sectional improvement similar to those encountered in downtown Ogden are being proposed, including wide sidewalks, bike lanes, on-street parking, and a raised landscaped median with a representative example being found in the picture below.”



North Ogden General Plan, page 28

Downtown and Southtown

What components should the Downtown incorporate?

- **Transit and excellent pedestrian connections**
- **A variety of stores**
- **Residences**
- **Offices**
- **Wide pedestrian friendly and attractive sidewalks**
- **Well-lit streets with unique light fixtures**
- **A variety of restaurants**
- **Gathering places that include events and entertainment**
- **People of all ages**

Downtown Goals

Goal # 1- Create a unique, pedestrian friendly “Downtown” near the intersection of Washington Boulevard and 2700 North with amenities, resources, attractions, and programing that makes this area function as the “hear of the community”

- In an environmentally sensitive and water conservation minded effort, beautify and improve streetscapes and enhance visual appearance through theme lighting, wider sidewalks, seasonal flower displays, bike lanes, signs, building location, street tree planting possibly to reflect the historic orchards of North Ogden, strategically located art, landscaping, on-street parking, a central amphitheater and gathering spot for movies and other productions and events, underground utilities, utility boxes used for rotating canvasses for art, et..

Southtown Goals

- Create design features that announce you have arrived in North Ogden.
- Provide a support function to the Downtown.
- Revitalize the North Ogden plaza in the Kirt’s area.

Goal # 1- Create design features that announce you have arrived in North Ogden.

Strategies

- Work with UDOT to change the street cross section and improve pedestrian street crossings to include reduced speeds, traffic calming such as medians, on-street parking, and landscaped bulb outs.
- Change the streetscape with widened sidewalks, street trees, and specialty cut-off lighting.

The memo offered the following summary of potential Land Use Authority considerations:

- Should the commercial setback standards for front setbacks be revised to have a 0-foot front setback?
- Should the C and CP zones site development standards be consistent?
- Should a standard be established for streetscape designs?
- Should convenience stores be added to the list of permitted uses in the C-1 and C-2 zones?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission, on a 7 to 0 vote, recommends that the City Council adopt the amendment. The Planning Commission found that the amendment is consistent with the General Plan.

Mr. Scott reviewed his staff memo.

Council Member Covering inquired as to the difference between the C and CP zones. Mr. Scott stated that the “P” stands for “planned commercial” with the intent for a more intensive site plan review for projects in that zone. However, the review practices of the City are now the same for both zones and there is no reason for different standards, in his opinion.

Mayor Chugg invited public input; there were no persons appearing to be heard.

9C DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REVISE SETBACK AND USE STANDARDS FOR COMMERCIAL C-1, C-2, CP-1, AND CP-2 ZONES, STREETScape STANDARDS, AND ADDING CONVENIENCE STORES AS AN ALLOWED USE IN COMMERCIAL ZONES

Council Member Covering motioned to approve Ordinance 2019-01 to revise setback and use standards for commercial C-1, C-2, CP-1, and CP-2 Zones, streetscape standards, and adding convenience stores as an allowed use in commercial zones, based on the findings and subject to the conditions listed in the staff report. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Covering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

10. PRESENTATION ON AN ORDINANCE TO REVISE THE ACCESSORY DWELLING UNIT STANDARDS FOR THE RE-20 ZONE AND R-1 ZONES

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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.

BACKGROUND

The North Ogden City zoning ordinance has varying provisions regarding accessory dwelling units (ADUs). The RE-20 zone was amended in March 2014 to allow accessory

dwelling units with specific standards. The RCC zone was amended in 2017 to eliminate duplexes as an allowed use. Chapter 10 was amended in May 2017 to establish new accessory dwelling unit standards that only apply to the RCC zone. As part of these deliberations the City Council considered whether or not to expand the accessory dwelling unit provisions to all residential zones. The City Council decided to give the ordinance time to function before revisiting this issue.

Staff is working with a family in the RE-20 zone who desire to build an attached accessory dwelling unit to their home. The RE-20 ADU provisions only allow detached ADUs. At the December 4, 2018 City Council meeting this information was presented to the City Council. The City Council has requested the Planning Commission consider making the RE-20 ADU standards consistent with the most recent ADU standards and also consider whether or not the other R-1 zones should also allow ADUs.

The Planning Commission discussed the draft amendment on December 19, 2018 and requested that a public hearing be set.

The Planning Commission conducted a public hearing on January 9, 2019. There were no public comments presented.

Since the 2017 amendment was passed, several existing duplexes have been processed to be certified as nonconforming. There have been no ADUs processed for site plan review.

The State Legislature is considering amendments to the moderate-income housing plan requirements. (See Exhibit E. SB 34 Affordable Housing Modifications Draft Excerpt) Cities are given various options to implement two or more strategies. One of these is to allow regulations for accessory dwelling units in residential zones. Providing for ADUs is a simple and painless way for North Ogden to address this issue.

Amendment Summary: There are four components to this amendment:

- Eliminates the RE-20 ADU subsection.
- Allows ADUs in the RE-20 zone with the 11-10-34 ADU standards.
- Allows ADUs in the R-1 zones.
- ADUs in the RE-20 and R-1 zones are subject to the applicable RE-20 and R-1 site development standards.

Attached to this report are the existing standards for ADUs in the RE-20 zone and the 11-10-34 section on ADUs. (See Exhibits A and B)

Existing 11-10-34 Accessory Dwelling Unit Summary:

- A. Accessory Dwelling Unit is listed as a permitted use in the RCC zone.
- B. Chapter 10 identifies the standards for accessory dwelling units. If additional zones allow accessory dwelling units in the future, then these standards can be applied.
- C. Provides a definition and purpose statement.

- D. Requires that an accessory dwelling unit be owner occupied.
- E. A dwelling unit occupancy standard is established.
- F. Allows one accessory dwelling unit with each single-family dwelling.
- G. Addresses for the primary building and ADU must be the same with B added to the ADU.
- H. A separate living area standard is provided that requires eating, sleeping, and sanitation facilities be included with both the primary dwelling and ADU.
- I. ADUs are required to conform to building, fire, and health codes.
- J. Utility meters may be separated from the primary dwelling.
- K. ADUs cannot be sold separately from the primary unit or rented for a period less than 30 days.
- L. The review process for registration and business licensing is spelled out along with a penalty for non-compliance.
- M. Home occupation licenses in ADUs are limited to a home office and require the property owner's permission.
- N. Additional design standards:
 - 1. The total area for an attached ADU cannot be greater than 50% of the primary residence; for a detached ADU cannot be greater than 40% of the primary residence.
 - 2. The location of an ADU is not allowed in a front yard or corner side yard.
 - 3. ADUs must be similar in appearance to the primary dwelling.
 - 4. ADUs are limited to one per lot or parcel and may not be subdivided.
 - 5. A height standard is identified to be the same as the underlying zone.
 - 6. ADUs may be allowed in the primary building or as a separate building if they meet setback standards.
 - a. All ADUs are allowed over the garage, provided the parking within the garage is not converted
 - b. Attached ADUs
 - 1. Inside the home through an internal conversion of the housing unit or in the basement, or
 - 2. By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building
 - c. Detached ADUs are allowed:
 - 1. Over a detached garage.
 - 2. Only allowed in rear yard.
 - 3. On lots having a minimum of 20,000 square feet.
 - 4. Shall have a minimum separation from the primary dwelling of 15 feet.
 - 5. Subject to 11-7J-4 Site Development Standards (These standards have the requirements for percentage of landscaping (50%), rear lot accessory building coverage (25%), and large accessory building setbacks.
 - 7. Building entrance standards require a separate entrance for the primary dwelling and the ADU.

8. Parking standards require a minimum of 3 parking stalls and have spaces for all vehicles maintained on the premises and all vehicles be parked on an approved parking space.

Amendment Summary:

- Eliminates the RE-20 ADU subsection
- Allows ADUs in the RE-20 zone with the 11-10-34 ADU standards
- Allows ADUs in the R-1 zones
- ADUs in the RE-20 and R-1 zones are subject to the applicable RE-20 and R-1 site development standards

CONFORMANCE WITH THE GENERAL PLAN

Housing Goals

Goal #1 – Increase Housing Quality and Variety

- Encourage adequate housing types which accommodate lifecycle transitions and changing population norms.
- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.
- The General Plan housing goals and strategies are supportive of providing appropriate design standards and increasing housing types, e.g., adding accessory dwelling units.

Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.
- Create design standards to improve the overall quality of North Ogden's housing.
- Work with homeowners, landlords, and renters to maintain and improve existing properties.

The memo offered the following summary of potential Land Use Authority considerations:

- Should the RE-20 zone accessory dwelling standards be modified to be the same as those found in 11-10-34?
- Should all R-1 zones allow accessory dwelling units?
- Is the amendment consistent with the General Plan?

The memo concluded the Planning Commission, on a 7 to 0 vote, recommends that the City Council adopt the amendment. They found that all other land use regulations will remain intact and that accessory dwelling units provide more options for residents to use their residences as they choose. The Planning Commission found that the amendment is consistent with the General Plan.

Mr. Scott summarized his staff memo.

Mayor Chugg invited public input; there were no persons appearing to be heard.

10C. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REVISE THE ACCESSORY DWELING UNIT STANDARDS FOR THE RE-20 ZONE AND R-1 ZONES**

Council Member Swanson motioned to approve Ordinance 2019-02 to revise the Accessory Dwelling Unit standards for the RE-20 zone and R-1 zones, based on the findings and subject to the conditions listed in the staff report. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

Mr. Scott stated that he feels strongly about the importance of providing adequate housing opportunities for all residents to remain within North Ogden City and he feels this is a significant step that will bear fruit for the City in the long run.

11. **MAJOR PROJECT: DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH BH INC. FOR THE CONSTRUCTION OF THE WHITE ROCK DEBRIS BASIN.**

A staff memo from City Administrator/City Attorney Call explained the City has received several bids in response to the Request for Proposals (RFP) for the Debris Basin on 3100 North at roughly 1400 East. CRS Engineers has managed the RFP process and made a recommendation that the contract be awarded to BH Inc. for their bid of \$823,474.00. Bids ranged between \$763,814 and \$1.7 million; the engineer's estimate for the project was \$1,175,194.78. There is some pressure to proceed with this project in a quick fashion before the dry season hits and fire season is underway. This contract is based upon an industry standard form used by Engineers for municipal contracts.

Mr. Call reviewed his staff memo.

Council Member Barker motioned to approve Agreement A5-2019 with BH Inc. for the construction of the White Rock Debris Basin. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

12. MAJOR PROJECT: PRESENTATION TO DETERMINE DESIGN OF DETENTION BASIN ON 2550 NORTH

A staff memo from City Administrator/City Attorney Call explained the City has received a response from the State of Utah representatives who coordinate the National Resources Conservation Service (NRCS) grant. In their response they have requested additional information from the environmental consultant on exactly what “recreation” means in the document as well as how the irrigation portion and storm water portion will be configured. Though their response came back quicker than expected we had set February 12th as the next discussion date for this project to reach a final decision on the design/components of the project so that the environmental consultant can add the necessary details into the document. The main questions City Administration would like the Council to answer are:

- What type of recreation facility does the Council want to see?
- What fencing locations does the Council support?

There are other design considerations, which will naturally occur as the details of the park are considered during the actual engineering phase of the facility, but these two main questions need to be decided to complete the environmental report and submit the second request for grant funding. The City will be committing to maintain this facility as a storm basin and recreation facility for the next 50 to 100 years as part of this program. That doesn’t mean the design of the park can’t change, but it does mean that it will need to remain a park and a detention basin for the foreseeable future. This is a policy decision so the Council can make any decision it feels is best.

Mr. Call reviewed his staff memo and facilitated discussion among the Council regarding the land owner/developer’s preference for the design of the basin project.

Council Member Swanson asked if a decision to completely grass the basin would result in the loss of grant funds and the loss of Pineview Water’s participation. Mr. Call answered yes. Council Member Swanson asked if that would increase the cost to the City. Mr. Call answered yes, and the City needs to provide storm water detention, so it is not

an option to decide against building a basin. He reviewed the history of the project and funding components for the project.

The Council participated in high level philosophical discussion and debate regarding the design options available to the City as well as the estimated costs for each of the options, with Mr. Call emphasizing that the City's costs will be dramatically reduced if the design will serve Pineview's irrigation needs as well as the City's storm water needs.

City Engineer Hartvigsen then reviewed the timeline for proceeding with the design and Request for Proposal (RFP) project for the project. This included discussion about the timing of selling the existing detention pond, with Mr. Call noting that the City cannot completely disconnect from the existing basin until other storm water accommodations are in place.

Continued discussion of design options commenced, with the Council inviting input from Parks and Recreation Director Staheli, who indicated that she is opposed to locating sports fields of any kind in the bottom of a detention basin because the grass is frequently wet, and the field space is more susceptible to damage. If the Council selects a 'grass only' option, she would recommend a passive park with playground equipment and benches. Council Member Cevering stated he feels that would meet the interests of the citizens in the area.

Closing discussion then centered on options for the City to work with Pineview Water relative to fencing around the pond; Mr. Call noted that a decision regarding the fencing is not necessary tonight, but Administration needs feedback from the Council regarding the recreation component at the project.

The Council supported using three acres at the location as a passive recreation facility with grass in the bottom of the basin.

Mayor Chugg invited public input.

Orluff Opheikens, 1025 E. 2100 N., stated he is the owner of the property where this facility would be built, in conjunction with a development project he would like to proceed with. He stated his greatest concern is building a facility that turns into a 'weed patch' and is unsightly. If the basin is fenced, it is typical for it to become more unkempt and he does not want that to happen for this project. He wants to see a quality job completed and for whatever improvements that are decided upon to be properly maintained in the future.

Meg Sanders, 2950 N. 875 E., stated that she has questions about the timeline for this project; she reviewed a letter from former Mayor Brent Taylor from August of 2017, which indicates that he and the Council fully supported this project and that the Council had already approved funding for the project. The letter also indicated that the City was in a position to commence the project in the spring of 2018. She stated she is not as

concerned about the pond portion of this project, but she would like to know when this project was approved and why it was being pursued. She read a Standard-Examiner article from August of 2018, which indicated the work the Council had done to evaluate the project and that the Council had voted in opposition to the pond component of the project because of concerns about safety. She stated she does not feel the reasons that the Council voted 'no' in August of 2018 have been addressed or resolved and she wondered why the Council would now be changing their vote.

Mr. Call addressed Ms. Sanders' question about the timeline for the project; it was initially approved in June of 2017 and that is why the Mayor wrote a letter indicating that the Council had approved funds and was supportive of the project.

Susan Clements, 668 E. 3125 N., asked how deep the detention pond will be and if it will always have water in it. Mayor Chugg stated that it will be similar to other detention basins in the City that do not always have water in them. Ms. Clements asked about the Pineview Basin and asked if it will always have water in it. Mayor Chugg stated the Pineview reservoir will have water in it all throughout the summer. Mr. Call stated the depth of the reservoir is estimated to be 12 to 14 feet, but that could change throughout the design of the project. Ms. Clements asked if the Council is voting to fence the reservoir, which is the deepest portion of the project, to which the Council answered yes.

Randal Winn, 2412 Barker Parkway, stated that he feels the evaluation of the project done by the Council is sufficient and he supports the decisions that have been made for proceeding.

Sean Casey stated that he feels that a few steps have been missed in this process; he would like to know more information about the wading pool aspect of the project. Mayor Chugg stated the project no longer includes a wading pool component. Mr. Casey stated the public needs more details about the project.

MAYOR CHUGG RECESSED THE MEETING AT 9:00 P.M.

THE MEETING RECONVENED AT 10:36 P.M.

13. **DISCUSSION AND/OR ACTION TO CONSIDER A CLASS A RETAIL BEER LICENSE FOR LEE'S MARKETPLACE**
14. **DISCUSSION AND/OR ACTION TO CONSIDER A CLASS A RETAIL BEER LICENSE FOR WALGREENS**
15. **DISCUSSION AND/OR ACTION TO CONSIDER A CLASS A RETAIL BEER LICENSE FOR 7-11**

Council Member Swanson motioned to approve the class A retail beer licenses for Lee's Marketplace, Walgreens, and 7-11. Council Member Turner seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

16. **PUBLIC COMMENTS**

There were no public comments.

17. **COUNCIL/MAYOR/STAFF COMMENTS**

There were no additional comments.

18. **ADJOURNMENT**

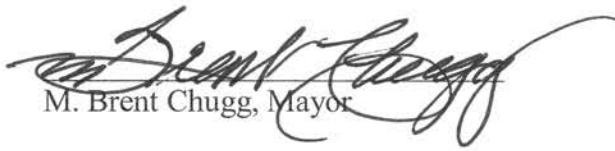
Council Member Turner motioned to adjourn the meeting. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting adjourned at 10:37 p.m.


M. Brent Chugg, Mayor


S. Annette Spendlove, MMC
City Recorder

19 March 2019
Date Approved