

Minutes of the Ogden City Planning Commission meeting held February 7, 2024. Official minutes may vary significantly from these draft proceedings. Meeting was conducted by Chair Sandau and began at 5:00 pm.

Members Present: Jenny Sandau, Chair
Cathy Blaisdell, Vice-Chair
Jordon Aaberg
Rick Safsten
Mandy Shale
Jeremy Shinoda
Rick Southwick
Michelle Williams

Staff Present: Barton Brierley, Planning Manager
Joseph Simpson, Deputy Planning Manager
Brandon Rypien, Sr. Planner
Jannette Borklund, Administrative Assistant III
James Tanner, Assistant City Attorney
Dalton Richins, Engineering

Others Present: Teena Stucki Bob Giboney Stacy Price
Darcel Stucki Robert Disque

1. Approve Agenda
 2. Consent Agenda
 - A. Approval of the Minutes of the regular meeting held January 3, 2024 and work session held January 17, 2024
 3. Public Hearing, Petition to Rezone from M-1 to C-3 property at 1450 Gibson Avenue.
 4. Public Hearing, Proposed amendment to Lynn Community Plan to preserve history.
- Review of Correspondence (if any)
- Reports: Landmarks Commission – Mandy Shale
Citizen Advisory – Rick Southwick
Ogden Trails Network – Michelle Williams
- Review of Meeting

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1. Approve Agenda

A motion was made by Commissioner Blaisdell to approve the agenda as prepared. Motion was seconded by Commissioner Aaberg and passed unanimously.
 2. Consent Agenda
 - A. Approval of the Minutes of the regular meeting held January 3, 2024 and work session held January 17, 2024

A motion was made by Commissioner Shale to approve the minutes as prepared. Motion was seconded by Commissioner Safsten and passed unanimously.

3. Public Hearing, Petition to Rezone from M-1 to C-3 property at 1450 Gibson Avenue.

Mr. Darcel Stucki stated this property had been in family ownership for many years, but since the passing of family members, the owners now wish to sell the property. In discussing their options, they contacted several entities, including Ogden City RDA and were informed it may be in or near boundaries of a potential redevelopment district. He reviewed options they had considered, including personal storage under current zoning, or as townhomes if allowed to be rezoned. They have determined the property would be a higher value if zoned as commercial prior to offering it for sale. He since has visited with the Planning Staff and was informed of their opinion that it is not consistent with the Gibson Community Plan. He stated this petition was submitted to allow the Commission to determine whether it might be in compliance with that plan and be allowed to be rezoned.

He stated he has reviewed the Gibson Community Plan as well as actions which have occurred in the area since it was adopted, stating several properties in the area have been rezoned from M-1 to either residential or commercial. He felt it could satisfy the intent of the community plan and the General Plan, stating buyers are willing to purchase the property only if rezoned. He indicated of the many properties in the area which have been considered for rezoning, all have been rezoned with the findings to be in compliance with the Gibson Plan. He cited the recommendation of Staff, stating the concept of protecting existing industrial zones has not occurred in the past. He presented statements in the General Plan which support more efficient land use, development of additional housing units and upgrades to existing infrastructure, stating this is a shoulder neighborhood to the Ogden River and an ideal location to appeal to both residences and businesses. He state his initial visits with City Staff indicated commercial zoning would be consistent with the Gibson Plan and the desires of Ogden City, but tonight's recommendation is that it is not.

Mr. Brierley stated the petition includes both the property at 1450 Gibson and an adjacent parcel owned by UDOT. UDOT is not listed as a petitioner and neither supports or opposes their property being rezoned. He reviewed the character of surrounding land uses, stating there is a wide variety of uses. The Gibson Community was originally an agricultural residential community, but over time has transitioned to become more industrial, with many remaining single-family homes as nonconforming uses. He stated while some rezonings have occurred since the Gibson Plan was adopted, they were typically on the boundaries of the community with commercial zoning along Wall Avenue and 12th Street.

He indicated the City Council has also adopted a Strategic Plan with a goal to increase economic development. Industrially zoned property is important to the economy in that it provides higher paying jobs for Ogden citizens. He stated the amount of industrial property has been shrinking, with limited space available for development at the BDO. He reviewed General Plan policies which also support high quality job creation. He presented photos of the property proposed for rezoning as well as neighboring land uses, stating Gibson is an industrial street with primarily manufacturing land uses and is a good location for other industrial uses. He stated much interest has recently been expressed for "flex" industrial

uses, citing data from Wasatch Front Regional Council relating to growth and projected income. He reviewed the amount of new dwelling units, stating there appears to be more than adequate multi-family housing either approved or now under construction. He also indicated Ogden has an overabundance of commercially zoned properties, indicating both office and retail uses have diminished since the 2020 pandemic. As this location is in the center of the neighborhood, there is little ability for it to be marketed as retail, office or a restaurant use.

He then reviewed general policies found in the General Plan citing a need for both creation and retention of new high-quality jobs in diverse manufacturing and service industries. The property in the petition is a vacant flat parcel which would be well suited to attract new industrial business due to the character of both the street and surrounding land uses. While the 2016 Gibson Plan did give some recommendations for areas to be rezoned, it also identified the need to protect existing industrial uses and allow for their expansion, targeting this section of Gibson Avenue as future manufacturing zoning. In considering zone changes, the Commission also is to consider the community plan policies which are part of the General Plan, including creating definite edges between types of development, zoning should reflect the prevailing character of the district or neighborhood, intensity and location of commercial zoning should be based on market patterns, traffic and space requirements. He expressed his conclusions as the subject property is well suited to industrial use, with the demand for industrial land growing while the supply is shrinking. The siter is not well suited for either commercial or office use, and not a good location for high density residential use due to adjacent industrial uses and impacts of those uses to the quality of life of residents. Staff recommendation is that the Commission forward a recommendation for denial to the City Council.

Commissioner Safsten noted the applicant had expressed this as a redevelopment area and asked if this is a current redevelopment district. Mr. Brierley stated while it is not a district at this time, it has long been an area where the City would like to see a district created in order to make more funding resources available.

Mr. Stucki stated while much of the area along Wall Avenue and south to 17th Street is zoned for commercial, yet there are still many industrial uses. He stated his property is touching commercial zoned property. He stated both neighboring property owners UDOT and New Castle have expressed their intent to relocate from this area in the future, which would then eliminate industrial uses in favor of commercial or multi-family uses along the Wall Avenue corridor.

Ms. Stacy Price, 1431 Gibson, felt development as multi-family at this location would be disruptive to the existing single-family uses. She indicated the street is not well repaired and the existing speed and volume of traffic generated by Fresenius would then be accompanied by residential traffic, which the street is not capable of handling. She stated new apartments along Wall and 17th Street are acceptable as the roads have been upgraded while Gibson has not. She is opposed to allowing multi-family residential.

As there were no additional comments, a motion was made by Commissioner Safsten to close the public hearing. Motion was seconded by Commissioner Blaisdell and passed unanimously.

Chair Sandau expressed concern about the lack of buffering between industrial and residential uses and felt it is important that a buffer or edge be created as well as a smooth transition between intensity of uses. Commissioner Safsten expressed Fresenius has been purchasing properties and has created a buffer area around their business. He felt the addition of multi-family would be disruptive to both the industrial and single-family uses, stating dense residential development needs to be on the edges of the neighborhood and not interior islands such as the property in the petition which is directly across from the Fresenius property. Commissioner Williams felt the need for multi-family residential has been largely satisfied since the Gibson Plan was adopted in 2016. She expressed concern with traffic conflict between the two different types of uses as well as other conditions created by the industrial use which is not conducive to new housing. Chair Sandau felt it is important that Ogden provide areas where good paying industrial jobs can serve its existing citizens rather than forcing residents to go to outlying communities for employment. She acknowledged while there is always a need for more housing, this is not a good location due to its isolation and lack of buffering between types of uses.

MOTION A motion was made by Commissioner Safsten to forward a recommendation of denial of the rezoning petition based on the findings it does not protect the integrity of the industrial uses nor provide buffering between the housing and industrial uses, that there is a need to retain existing industrially zoned properties in order to promote economic development in the community, and that there is currently adequate land already zoned to meet the future needs for multi-family and commercial uses, and the rezoning of this property would create potential conflicts with existing industrial uses. Motion was seconded by Commissioner Blaisdell and passed unanimously with Commissioners Aaberg, Blaisdell, Safsten, Shale, Shinoda, Southwick, Williams and Sandau voting aye.

4. Public Hearing, Proposed amendment to Lynn Community Plan to preserve history.

Mr. Rypien indicated the City Council had requested the Commission review the Lynn Area Community Plan in an effort to preserve its unique history. A public hearing was held on January 3rd at which time there was a variety of opinions expressed by area residents. A work session was then held on January 17th to analyze the intent of the Plan based on the input from citizens of the community. Since that time, several changes have been made to the proposed language which will direct the Planning Commission and City Council to consider the history when faced with a petition for rezoning, while allowing historic preservation to occur on a voluntary basis for each individual property. The intent is for future development to be in harmony with the history of the area, and while a zone may or may not be changed, some form of recognition of the cultural heritage could be created at that time.

The original 1986 Lynn Community Plan identified a desire for a future park to be created west of Wall Avenue, and an existing property owner has expressed interest in allowing his property to be used as park land. This could be a prime location for monuments or educational kiosks to celebrate the history of the community. The language proposed includes a process whereby if a rezoning were to be proposed along 2nd Street west of Childs Avenue, the Commission and Council would then determine if there are any existing historic structures or features which should be preserved or memorialized and whether this can be done in harmony with future development on a case-by-case basis. It also directs either historic or contributory buildings or structures be considered to be added to the Ogden Register of Historic Resources as well as allowing existing small farming operations to continue. He clarified any preservation would be voluntary and applications must be made by property owners for designation to the local register of historic resources. He recommended approval of the plan language as proposed.

Mr. Bob Giboney, 152 W 2nd Street, stated he lives in an older home and desires to sell and move to another location where he can keep his horse. He felt his property could provide a good access to the proposed park property, indicating there is no other direct access. While not opposed to historic preservation, he indicated even if listed on the local register, the owner still has the ability to demolish. He had hoped his property would have been rezoned to allow a continuation of the multi-family project on the corner of 2nd & Wall, but it was not rezoned and he has been unable to sell it. He is not opposed to the plan but desires to sell his property.

Ms. Tammie Creager expressed appreciation to the Planning Staff and Commission for the work that has gone into this plan. She felt much wisdom and consideration has gone into assessing the needs of the community and Ogden City. She stated some residents have put much effort into restoring historic properties while others have not invested either time or money into maintaining their properties. She felt the plan language as proposed values what is in the community and felt it would not limit rights of homeowners to sell. She felt historic preservation can do much to build community pride. She asked the Commission approve the proposed verbiage.

Ms. McFarland asked Staff to again review the effects of the proposed plan in the event of a rezoning petition. Mr. Rypien responded the rezone language is specific to 2nd Street west of Wall Avenue and would require the decision makers to look at the property and determine if there is a historic structure, event or anything that should be memorialized or protected before proceeding with their review of the petition. While there is no guarantee these features would be protected, the plan requires they be identified. Any rezone petition would be initiated by an individual property owner and not generally by Ogden City.

Ms. Anna Keogh, 301 W 2nd Street, stated the proposed park could be accessed from Lynn School Lane. She supports the plan as proposed.

Mr. David Montgomery, 317 W 2nd Street expressed support of the plan as proposed.

Mr. Sam Kruger stated he agrees with the wording in the proposed plan amendment stating this is a historic community which he values. He is concerned about a lane which had been the old Pioneer Road which has recently been fenced in by UDOT. It is his desire that something be done to open that lane up for the use of neighborhood residents.

As there were no additional comments, a motion was made by Commissioner Southwick to close the public hearing. Motion was seconded by Commissioner Safsten and passed unanimously.

Mr. Simpson clarified that while Lynn School Lane could possibly provide access to the potential park area, there is a sliver of property along the right-of-way owned by a separate party. Their permission would be required or the property purchased before access across it would be allowed. He also indicated the historic Pioneer Lane had been closed as part of the adjacent Liberty Cove group dwelling project which is beginning construction.

MOTION: A motion was made by Commissioner Blaisdell to recommend approval of the proposed amendment to the Lynn Community Plan based on the findings it is in the best interest of the public and is in conformance with the General Plan. Motion was seconded by Commissioner Shale and passed unanimously with Commissioners Aaberg, Blaisdell, Safsten, Shale, Shinoda, Southwick, Williams and Sandau voting aye.

Review of Correspondence (if any) Mr. Brierley reported a letter had been received asking about projects at an air force base in Nevada

Reports: Landmarks Commission – Mandy Shale reported while there was no regular meeting, the Landmarks Commission held a work session where they discussed the CLG grant process and items to be included in the next application. They determined to continue with research in the Marilyn Drive neighborhood in consideration of creating a historic district. They also discussed other areas such as 17th Street/Canyon Road. They also brainstormed about ways to educate the public about historic preservation and other items.

Citizen Advisory – Rick Southwick reported there was no meeting

Ogden Trails Network – Michelle Williams indicated she was unable to attend, but had reviewed the notes from the meeting and their main discussion was their fund-raising activity – “Shin-Dig”. They also elected new chair and vice-chair.

Review of Meeting

Mr. Brierley indicated it worked well to have the applicant first present his request before staff’s presentation. Discussion continued as to whether applicants should be given a limited amount of time to speak but it was felt because they paid money to be here, they should have a right to speak. Chair Sandau asked about the applicant again speaking after Staff’s recommendation and whether there should be a time limit. It was indicated the Commission’s

Rules of Procedure indicate the applicant has a chance for rebuttal but it is at the discretion of the Chair to determine whether there should be a time limit.

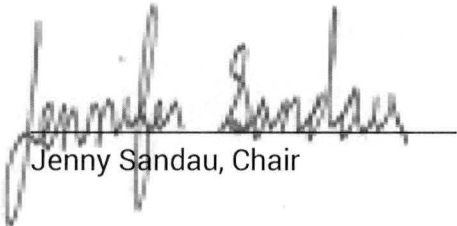
Mr. Brierley announced the work session topic will be the development code update which is in process on February 21st.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jannette Borklund".

Jannette Borklund, Administrative Assistant III

Approved: 3/6/2024
(date)

A handwritten signature in black ink, appearing to read "Jenny Sandau".
Jenny Sandau, Chair