

Minutes of the Ogeen City Planning Commission meeting held March 6, 2024. Meeting was conducted by Chair Sandau and began at 5:02pm.

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

Members Excused: Michelle Williams

Staff Present: Barton Brierley, Planning Manager  
Joseph Simpson, Deputy Planning Manager  
Haylie Hale, Planner  
Jennifer Patrick, Planner  
Damian Rodriguez, Planner  
Jannette Borklund, Administrative Assistant III  
James Tanner, Assistant City Attorney  
Dalton Richins, Engineering

Others Present:	John Bjerregaard	Steve Diamond	Chad Hansen
	Dakota Hawks	Bryan Schade	Nick Milford
	Ryan Hodgsen	Jeremy Krause	Peter Barrera
	Daryl Hodgsen	Scott	

1. Approve Agenda
2. Consent Agenda
  - A. Conditional Use Permit, for new storage building for Weber County Mosquito Abatement at 505 W. 12<sup>th</sup> Street.
  - B. Approval of the Minutes of the regular meeting held February 7, 2024 and work session held February 21, 2024.
3. Conditional Use Permit, to allow new 100' cell tower at Ben Lomond High School at 1080 9<sup>th</sup> Street.
4. Preliminary Subdivision Plat, for East Lynne Village, 236 Porter Avenue
5. Preliminary Group Dwelling/Conditional Use Permit, for Grandview Townhomes, 3865 Jackson Avenue.
6. Public Hearing, Petition to Amend Zoning Map, from R-3 to C-3 at 967 12<sup>th</sup> Street
7. Public Hearing, Ogden Bend Master Plan
  - a. Project Master Plan
  - b. Zoning Ordinance Text Amendment

Review of Correspondence (if any)

Reports: Landmarks Commission – Mandy Shale  
Citizen Advisory – Rick Southwick  
Ogden Trails Network – Michelle Williams

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1. Approve Agenda: As there were no revisions to the agenda, the Commission voted for it to be approved as prepared.

## 2. Consent Agenda

- A. Conditional Use Permit, for new storage building for Weber County Mosquito Abatement at 505 W. 12<sup>th</sup> Street.

Mr. Rodriguez reported this is a request for a new storage building for vehicles at the existing site which is an amendment to a conditional use permit which was issued in 2018. He reviewed the conditional use standards and indicated the addition would not be detrimental to adjacent properties and meets the regulations of the zone. The addition complies with the objectives of the General Plan as it creates storage for vehicles, eliminating outdoor storage on the site. There appear to be no detrimental impacts created by the addition. Staff recommends approval subject to adherence to all staff comments and all other service provider comments being satisfied.

**MOTION:** A motion was made by Commissioner Blaisdell to approve the conditional use permit based on the findings it is not detrimental to persons or property, is consistent with the General Plan, is compatible in use and design with the site and surrounding community and complies with the governing land use ordinances. Motion was seconded by Commissioner Southwick and passed unanimously, with Commissioners Aaberg, Blaisdell, Safsten, Shale, Shinoda, Southwick and Sandau voting aye.

- B. Approval of the Minutes of the regular meeting held February 7, 2024 and work session held February 21, 2024.

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

## 3. Conditional Use Permit, to allow new 100' cell tower at Ben Lomond High School at 1080 9<sup>th</sup> Street.

Mr. Dakota Hawkes stated this is a request to install a 100' cell tower in the football stadium, removing an existing light pole and incorporating the lights as part of the cell tower at the existing location.

Commissioner Safsten asked if they had considered other locations around the stadium or on top of the school building. Mr. Hawkes responded other locations, but due to the location of existing utilities, this location would require the least amount of extending power lines, stating the school had approved the proposed location.

Ms. Patrick indicated the request is for a 100' monopole with a stealth antenna array in order to increase cell phone coverage in this residential area. The application also includes ground equipment which will be enclosed with a privacy fence. The request for a 100' tower is to accommodate all equipment, allow for co-location for other carriers and to meet the service objectives of Verizon. However, space around the football field is limited, and the ability to accommodate additional ground equipment for other carriers may not be feasible. She reviewed the site plan proposed, stating there are currently four 71' light poles surrounding the football stadium. Cell towers are classified as public utility substations and are listed as a conditional use in all residential zones. She reviewed the conditional use standards and indicated while a new tower does not emit pollutants or encroach on rivers or streams, the height of 100' as proposed appears to be out of scale with the surrounding residential community as it would extend 30' above the existing light poles. She reviewed goals and policies of the Hillcrest/Bonneville Community Plan, stating it recommends support of common needs of the community as well as protecting the view of existing corridors and vistas. She noted existing trees provide a partial screen to the north and south, but expressed concern about the view of the being obstructed at the 100' height as proposed. She noted the cell tower at Ogden High stadium was limited to 82' and suggested the height be reduced to 85', noting the ability for another carrier to use extra space on the tower is limited as there is no on-site

location to accommodate ground equipment. No evidence has been submitted indicating the extra height is needed for increased coverage. She felt impacts from the proposed tower can be mitigated by reducing the height to be more comparable with existing light poles. Staff recommendation is for approval subject to limiting the height to 85' and site plans be submitted with construction plans and obtaining a building permit.

Commissioner Shale asked how the height of 85' was determined to be appropriate when the lights are only at 71' in height. Commissioner Safsten noted if other carriers were not allowed on the pole, additional poles or antennas would be required elsewhere in the community. Commissioner Blaisdell suggested a 75' tower would be more compatible. Commissioner Shale asked if there had been consideration of locating on the roof of the building. Commission also asked about the net effect of call service with a shorter pole. Mr. Hawkes stated a 6' separation distance is required to accommodate other carriers, noting as the use of cell phones continue to increase, there would likely be a need for other fixtures in the future. He stated the top of the building had not been discussed or offered by the school, stating access may sometimes be limited if located on the building. He felt Verizon would support the height being reduced to 85' as recommended by Staff.

**MOTION:** A motion was made by Commissioner Safsten to approve the conditional use permit based on the findings the use proposed is in the best interest of the public and in harmony with good development of the area, can be consistent with the General Plan and can be compatible with the character of the site and surrounding community and can meet the criteria for approval. Approval is subject to the height of the tower being reduced to 85' to mitigate the impact of obstructing the view of the mountains, and a site plan be submitted with construction drawings and a building permit being obtained. Motion was seconded by Commissioner Southwick and passed 5-2 with Commissioners Aaberg, Blaisdell, Safsten, Southwick and Sandau voting aye and Commissioners Shale and Shinoda voting no. Commissioner Shinoda explained his vote indicating the use is not compatible with the surrounding residential neighborhood and felt the height at 85' impedes the view. Commissioner Shale indicated she was concerned with the 85' height and noted the applicant had left too many questions unanswered.

#### 4. Preliminary Subdivision Plat, for East Lynne Village, 236 Porter Avenue

Mr. Steve Diamond indicated he is proposing single-family lots on a property which previously housed a church. It is his desire to provide more affordable single-family housing with architecture which would be compatible with the surrounding community. He stated he is continuing to work with Engineering staff to complete improvements along 3<sup>rd</sup> Street and Porter Avenue.

Ms. Hale stated this request is for preliminary subdivision approval of 16 single-family lots, with lot sizes ranging from 5,000 square feet to 7,300 square feet. She reviewed the history of the property, stating a vacant church has been removed, and the Commission and City Council approved a zone change to R-1-5 as well as a partial street vacation subject to the applicant installing all right-of-way improvements to meet City standards. The Mayor also approved a reduced width of 3<sup>rd</sup> Street subject to no parking being allowed on either side with the curbs to be painted red and no parking signs installed on both sides of 3<sup>rd</sup> Street.

The proposed lots meet the lot size and width requirements of the R-1-5 zone and are similar in size to existing lots in the surrounding neighborhood. Each lot has frontage on a public street and the proposed street improvements meet City standards. Staff recommends approval subject to the following conditions:

1. That a 10-foot municipal utility easement (MUE) is added along the right-of-way and a 5-foot MUE along all other property lines.
2. Address the storm water by providing a drainage and grading plan, calculations, a monitoring and maintenance plan, a water quality report, and an Ogden City Stormwater Agreement.
3. Adjust the proposed waterline and sewer main in 3<sup>rd</sup> street to match the Ogden City standards and provide a flow test.
4. Provide details for the drive approaches.
5. Adjust the curb, grading, and park strip and sidewalk widths to meet Ogden City standards.
6. Correct the inconsistencies between the plat and the boundary description.
7. Provide details on what xeriscaping will be used. Detail the materials, size, and depth.
8. Submit details of the proposed streetlights.
9. Show that the curbs on both sides of Porter Avenue will be painted red and show where the no parking signage will be located.
10. That a financial guarantee is established for the right-of-way improvements, utility work and xeriscaping.

MOTION: A motion was made by Commissioner Aaberg to grant preliminary approval based on the findings the proposal is in the best interest of the public and in harmony with good development of the area and the subdivision plat will comply with all City ordinances by satisfying all staff departmental staff comments. Approval is subject to the following conditions:

1. That a 10-foot municipal utility easement (MUE) is added along the right-of-way and a 5-foot MUE along all other property lines;
2. Address the storm water by providing a drainage and grading plan, calculations, a monitoring and maintenance plan, a water quality report, and an Ogden City Stormwater Agreement;
3. Adjust the proposed waterline and sewer main in 3<sup>rd</sup> street to match the Ogden City standards and provide a flow test;
4. Provide details for the drive approaches;
5. Adjust the curb, grading, and park strip and sidewalk widths to meet Ogden City standards;
6. Correct the inconsistencies between the plat and the boundary description;
7. Provide details on what xeriscaping will be used. Detail the materials, size, and depth;
8. Submit details of the proposed streetlights;
9. Show that the curbs on both sides of Porter Avenue will be painted red and show where the no parking signage will be located; and
10. That a financial guarantee is established for the right-of-way improvements, utility work and xeriscaping.

Motion was seconded by Commissioner Shale and passed unanimously with Commissioners Aaberg, Blaisdell, Safsten, Shale, Shinoda, Southwick and Sandau voting aye.

5. Preliminary Group Dwelling/Conditional Use Permit, for Grandview Townhomes, 3865 Jackson Avenue.

Mr. Brett Stout and Mr. Gerald Hodgson stated they desire to develop the previous Grandview School site according to the R-2S zone with townhomes and some detached units. They felt townhomes would be a good fit at this location due to its proximity to Weber State, nearby medical offices and

multi-family development in the general area.

Mr. Simpson indicated this request is for preliminary group dwelling approval as the proposal consists of several buildings on an existing parcel, and the creation of a group dwelling project is a conditional use in the R-2S zone. The Commission is to determine whether the project complies with the group dwelling standards as well as meeting the conditional use standards. The request is for 90 units at approximately 39<sup>th</sup> & Jackson Avenue. He noted the property had previously been rezoned from R-3 to R-2S in an effort to promote home ownership. While the R-2S zone allows small lot detached housing, it also allows duplex units and row houses or townhomes. It also restricts height and requires buildings to be constructed so they can be available for individual purchase. The application before the Commission is for ten townhome buildings consisting of 70 units, six duplexes and eight single-family homes. Because there are several buildings on one parcel, it also is required to meet the standards for a group dwelling ordinance and receive a conditional use permit. This initial review is to determine whether it does or can meet both the regulations of the group dwelling chapter and other zoning requirements.

The property consists of 5.15 acres which would allow up to 89 units, so one of the proposed units will need to be removed. The ordinance requires a minimum of 8' setback between the south drive and the east property line, as well as parking for two vehicles per unit, electric vehicle charging stations and both utilities and trash receptacles to be screened. It is unclear whether the units include a two-car garage, and whether the dimensions of the garage allow for space for storage of trash cans and whether vehicle charging will be available on the interior of each unit. The group dwelling code also requires on-site secure bicycle storage, site amenities and an entry feature. The landscaping plan lacks detail relating to placement of plants, shrubs and trees as well as turf as well as an irrigation plan. Site amenities may include a plaza or gathering space and 4' and 6' sidewalks. Any exterior lighting within the project needs to be shown and a solid screening fence is required to surround the facility. An entry feature, including a monument sign is also required.

He reviewed the building elevations, indicating the townhomes appear to meet the standards for façade variations, glazing, covered entryways, staggering and have the same exterior building material on all four sides. However, the height of the townhomes is not identified and needs to be limited to 35'. There are no identified balcony or patio areas defined. Building floor plans need to be provided to insure laundry hook-ups are available in each unit. No elevations have been provided for the duplex or single-family units which will also be required to meet the same standards. Both building services and engineering have reviewed the plans and have also identified details which will be required to be satisfied. Engineering is requesting a dedication of 8' along Jackson Avenue to accommodate the right-of-way requirements as well as a private subdivision plat application to allow the creation of individual units. Other details include water, sewer and storm water requirements being satisfied, location of fire hydrants municipal utility easements be identified, and landscaping of the right-of-way.

The conditional use portion of the review requires consideration of surrounding land uses as well as impacts created by the proposed use. State law indicates cities must approve conditional uses the same as permitted uses unless impacts are identified which cannot be mitigated. There are a variety of uses in the general vicinity, with a City park and single-family housing to the north, medical offices and a church to the east, and single-family condominium units originally designed as a housing project for army personnel as well as multi-family housing to the south. He indicated the Commission had received some emails identifying a concern with the number of units proposed in relation to the existing street width of Jackson Avenue and the lack of street improvements. The City traffic engineer has reviewed the plans and felt there is no need for a traffic study, and felt the

proposed use would not create more traffic than the previous use as an elementary school. Engineering has identified some utility issues which will need to be resolved for both storm sewer and sanitary sewer systems.

Commission asked about the mix of uses with single-family, duplex and townhomes. Mr. Simpson responded the group dwelling ordinance requires a mix of building types, and the various building designs allow a mix of sizes, allowing more living space or bedrooms.

Staff recommendation is for approval, subject to the following conditions:

1. The applicant submits plans and information that addresses all of the preliminary group dwelling review requirements prior to going to the planning commission for final approval.
2. Lot area unit density requirements be met for the project.
3. Installing entrance monument signs and landscaping at the main entrances on 39th Street and Jackson Avenue.
4. Detailed landscaping and irrigation plans be provided that meet all code requirements – plaza/gathering areas, landscaping, and open space amenities be installed on the site that meet code requirements.
5. All exterior lighting be contained on the property.
6. All utilities and meters be screened from view along the private driveways and public streets.
7. All garbage bins/dumpsters be enclosed and screened from view either by providing space for two roll-out cans in the attached garages, or by having dumpster enclosures with 6' tall masonry walls and metal gates that are compatible with the development.
8. A 6' tall vinyl fence or masonry wall be installed around the parameter of the project, excluding the front setbacks along 39th Street and Jackson Avenue with pedestrian openings to the Grandview Park.
9. A financial guarantee contract be established with Ogden City for landscaping and engineering improvements.
10. 6' wide sidewalk be installed that connects the front doors of each unit of the buildings fronting Jackson Avenue and 4' wide sidewalks be installed on site that connects the main entrances of all dwelling units in the development with gathering areas, open space amenities, and include crosswalks at the driveway connection points.
11. Maximum building height requirements be met.
12. The buildings meet the minimum 20% glazing requirements for the ground floors of the buildings facing the public street.
13. Balcony and patio area requirements be met.
14. Building elevation design requirements be met.
15. The 8' setback between the east property line and driveway off of 39th Street be met.
16. Two onsite parking stalls be provided for each dwelling unit.
17. Bicycle parking and electric vehicle charging connection requirements be met.
18. Laundry hook-ups be provided in each dwelling unit.
19. Storm water pollution prevention (SWPP) requirements be met.
20. All water, sewer, and storm water requirements be met.
21. Fire hydrant requirements be met.
22. A private subdivision plat be completed that separates the individual dwelling units in the development as separate lots/units.
23. Public right-of-way landscaping and other required improvements be met, including the dedication of the engineering required portion of property along Jackson Avenue.
24. Municipal utility easement (MUE) requirements be met and be recorded with the required private subdivision plat and the site plan reflect the required easements.

25. Building services division review comments be obtained and satisfied.

Mr. David Mallinak, Pastor at the Berean Baptist Church which is directly across the street on Jackson Avenue from the proposed project. He felt a traffic study should be conducted and indicated there are no stop signs along the three blocks between 36<sup>th</sup> and 39<sup>th</sup> Streets, and most cars speed through the area. He felt the infrastructure for the area is not adequate to handle the traffic which would be created by the proposed project. He stated there is no parking at the adjacent Grandview Park, which is often used for soccer games, causing parents and fans to park along both sides of Jackson Avenue which constricts traffic. He felt traffic controls should be put in place and asked the area be better patrolled. It is difficult to exit the church parking lot during games due to the lack of visibility with parked vehicles and the narrow width of Jackson Avenue. He stated there is much foot traffic in the area, and there are no sidewalks along Jackson Avenue. He stated students at his school often use Grandview Park for recreation and asked a crosswalk be installed to insure their safe access to the park.

Mr. Rick Showen, 935 39<sup>th</sup> Street, also expressed concern about more traffic being generated. He felt the 39<sup>th</sup> Street right-of-way is too small, indicating it had originally been a one-way street. It is not well maintained and beginning to deteriorate along the edges. He stated there are often traffic accidents at 39<sup>th</sup> and Quincy due to traffic from the McKay-Dee parking structure and surrounding medical offices. There are no sidewalks along 39<sup>th</sup> Street or in the Grandview subdivision, and residents walking their dogs walk along the street. He also suggested a development this size should have a second vehicle access, indicating a proposed student housing project had been required to have two access points. He noted there is a grade change between the previous school site and the street, and felt the access to Jackson is too steep. He felt no new construction should be allowed until streets are widened and curb and gutters are installed in the area.

Mr. Brierley read a comment which was submitted on Zoom during the meeting, indicating 39<sup>th</sup> Street is in terrible condition and will further deteriorate with the additional traffic created by this project. A traffic study is needed.

Commissioner Shale asked staff about the potential of sidewalks in this area. Mr. Simpson responded developers are required to install improvements adjacent to their project, but cannot require them to extend beyond their project. In existing areas, the City would have to utilize capital improvement funding. He has been informed street improvements along Quincy are due to occur within a few years, but is unaware of those extending onto 39<sup>th</sup> Street or Jackson. He noted 39<sup>th</sup> Street is in poor shape. He is unaware of any plans for curb, gutter and sidewalk in this area. He noted a crosswalk could be included as part of this project to provide connectivity to the surrounding community.

Commissioner Southwick felt the speed of traffic is a concern and felt the installation of a stop sign somewhere between 36<sup>th</sup> and 39<sup>th</sup> would be appropriate and suggested there be better policing of the existing 25mph speed limit. Mr. Simpson stated his conversation with the traffic engineer indicated due to there being several options for traffic to exit this area, the project would not trigger a requirement for a traffic study, although the Commission still could require one if they feel it is necessary.

Commissioner Aaberg expressed concern about the grade of the proposed access to the site, indicating the new approach will be further north from the existing access. Mr. Richins stated the maximum grade of the street is 10%, noting the access has been moved further north to both reduce the grade and to move it further from the existing intersection. He also indicated these streets are

classified as local streets and as the project is not a destination which would bring others from outside the general area, they are able to accommodate the proposed development. He stated while traffic patterns will change with residential development compared to the previous use as an elementary school, the number of vehicles should not be a dramatic increase. He stated there has been some discussion about adding parking along the north side of Grandview Park and a concept plan has been drawn, but is unaware of any timeframe when that would occur. While the development will utilize Jackson Avenue for egress, traffic will be directed to either 36<sup>th</sup> Street or Country Hills Drive.

Commissioner Blaisdell asked if the density could be reduced, noting there appears to be too many units for the property. Other commissioners noted, with the conditions of approval, several units may be required to be eliminated in order to meet setback and amenity requirements. Mr. Simpson stated the provisions of the group dwelling code need to be satisfied, and so long as that happens, the size of the property could accommodate up to 89 units. However as part of the conditional use permit, the Commission could reduce the number of units if particular findings were made which would identify impacts created causing the density to be reduced. He noted the previous R-3 zone would have allowed more than 100 units as well as an apartment building. Commissioner Safsten felt the smaller lots increase affordability and that the density is what makes the project more appealing and more affordable for new homeowners. Mr. Simpson stated the R-2S zone would also allow single-family homes on a 2,500 square foot lot, which is a similar density as what is proposed.

Commissioner Blaisdell felt the ambiance of a neighborhood suffers when homes are too close together. Commissioner Aaberg felt parking in the development would be an issue. Mr. Simpson stated they are required to provide two parking spaces per unit, but there is no requirement for guest parking. Commissioner Safsten agreed there is such a thing as being too dense, but felt the design often counterbalances the density, and a well-designed project does not appear to be too dense. He felt the standards of the R-2S zone identify variation and provides opportunity for home ownership and the amenities required for a group dwelling can create a quality community with a higher density.

Discussion continued relating to required amenities for the project which have not yet been identified. Mr. Simpson indicated a certain amount of square footage would be required as amenity space as well as meeting the minimum amount of trees and shrubs within the project. He also noted the adjacent park, while it cannot count towards amenity space, would provide some opportunity for recreation for residents. Commissioner Aaberg stated the number and detail of the conditions of approval might indicate the project is not ready for preliminary approval. He felt more information should be obtained prior to action being taken. Mr. Simpson indicated the action requested by the applicant is for preliminary group dwelling approval. The code requires a final approval to assure the conditions of preliminary approval are satisfied. The preliminary approval process is to determine whether the project is feasible and could meet the standards of the development code prior to a large expense being spent on design details which include utility drawings, landscaping details and others identified in the conditions of approval recommended by Staff. It will then again be reviewed by the Commission in order to create a subdivision.

Chair Sandau felt the access, traffic flow and grading of the site are important details which cause her more concern than the number of units proposed. She asked if additional details could be added at the final approval stage if the Commission identifies other concerns. Mr. Brierley indicated the final approval stage is merely to determine whether the conditions of preliminary approval are satisfied and suggested if the Commission has heard comments which they feel need to be addressed which were not identified by Staff, such as adding a crosswalk across Jackson Avenue, they could add conditions of approval as part of their motion. Commissioner Safsten felt the speed

of traffic along Jackson is an issue, but felt the developer should not be required to install stop signs not directly related to the project. Mr. Tanner agreed that no requirements for improvements could be made which are not directly adjacent to the property. Mr. Simpson stated he would discuss this concern as well as the crosswalk with the traffic engineer.

**MOTION:** A motion was made by Commissioner Shale to approve the proposed preliminary group dwelling and conditional use permit based on the findings it can satisfy the group dwelling and conditional use requirements. Approval is subject to satisfying Staff recommendations as follows:

1. The applicant submits plans and information that addresses all of the preliminary group dwelling review requirements prior to going to the planning commission for final approval.
2. Lot area unit density requirements be met for the project.
3. Installing entrance monument signs and landscaping at the main entrances on 39th Street and Jackson Avenue.
4. Detailed landscaping and irrigation plans be provided that meet all code requirements – plaza/gathering areas, landscaping, and open space amenities be installed on the site that meet code requirements.
5. All exterior lighting be contained on the property.
6. All utilities and meters be screened from view along the private driveways and public streets.
7. All garbage bins/dumpsters be enclosed and screened from view either by providing space for two roll-out cans in the attached garages, or by having dumpster enclosures with 6' tall masonry walls and metal gates that are compatible with the development.
8. A 6' tall vinyl fence or masonry wall be installed around the parameter of the project, excluding the front setbacks along 39th Street and Jackson Avenue with pedestrian openings to the Grandview Park.
9. A financial guarantee contract be established with Ogden City for landscaping and engineering improvements.
10. 6' wide sidewalk be installed that connects the front doors of each unit of the buildings fronting Jackson Avenue and 4' wide sidewalks be installed on site that connects the main entrances of all dwelling units in the development with gathering areas, open space amenities, and include crosswalks at the driveway connection points.
11. Maximum building height requirements be met.
12. The buildings meet the minimum 20% glazing requirements for the ground floors of the buildings facing the public street.
13. Balcony and patio area requirements be met.
14. Building elevation design requirements be met.
15. The 8' setback between the east property line and driveway off of 39th Street be met.
16. Two onsite parking stalls be provided for each dwelling unit.
17. Bicycle parking and electric vehicle charging connection requirements be met.
18. Laundry hook-ups be provided in each dwelling unit.
19. Storm water pollution prevention (SWPP) requirements be met.
20. All water, sewer, and storm water requirements be met.
21. Fire hydrant requirements be met.
22. A private subdivision plat be completed that separates the individual dwelling units

in the development as separate lots/units.

23. Public right-of-way landscaping and other required improvements be met, including the dedication of the engineering required portion of property along Jackson Avenue.
24. Municipal utility easement (MUE) requirements be met and be recorded with the required private subdivision plat and the site plan reflect the required easements.
25. Building services division review comments be obtained and satisfied.

Motion also includes directing Staff to work with the City traffic engineer to determine whether stop signs could be added somewhere on Jackson between 36<sup>th</sup> Street and 39<sup>th</sup> Street, and whether a crosswalk could be added between the Baptist church and the Grandview Park. Motion was seconded by Commissioner Southwick and passed 6-1 with Commissioners Aaberg, Safsten, Shale, Shinoda, Southwick and Sandau voting aye and Commissioner Blaisdell voting no. Commissioner Blaisdell explained her vote stating she felt the project is too much for the size of property.

#### 6. Public Hearing, Petition to Amend Zoning Map, from R-3 to C-3 at 967 12<sup>th</sup> Street

Mr. Jeremy Krause stated the Commission had previously reviewed a group dwelling for this property at which time a condition of approval was to rectify the location of the property line between the Dylan's restaurant and this parcel and to have the zone boundary match the property boundaries. He stated Dylan's had originally owned both properties and later subdivided, but paved their parking lot beyond the property boundary. The new property line would be shifted to the south so the existing parking remains on Dylan's property. In order to satisfy zoning regulations, the zoning boundary also needs to be relocated to match the new property lines.

Mr. Simpson stated this petition is to clean up the property boundaries to allow the development of the vacant parcel to the north of Dylan's restaurant. He stated the property was originally one parcel but was later subdivided and recorded as two parcels without the City's approval. The conditions of approval for the group dwelling require the subdivision to be approved by Ogden City, which also would relocate the existing property line to accommodate the existing parking at the Dylan's site. A small lot subdivision application has been received and is slated to be approved by the Mayor at the regular meeting in April. The Canyon Road Community Plan indicates zone boundaries should not cut across individual lots, and so this petition is to eliminate both the C-1 and 12<sup>th</sup> Street Corridor zone from the south property and allow it to be developed under the R-3 regulations. He noted in reviewing both properties Staff has found some zoning violations on the Dylan's site which must be rectified, including the dumpster location and parking in the setback area and felt these should be resolved as a condition of the rezoning. The petition is compliant with the Canyon Road Plan, the General Plan and the Zoning Ordinance. Staff recommends approval, subject to the following conditions:

1. The petitioner completing the small subdivision plat process to have the property line between 981 12th Street and 1245 Monroe Blvd. follow the new zoning boundary lines.
2. The existing row of parking stalls be shifted out of the required 10' wide landscaped setback along west property line and the new property line/zoning line, and also the required 20' wide landscaped setback along Monroe Blvd., which will need to be completed under a site plan review process.
3. The dumpster for the Dylan's Restaurant be placed in screened enclosure out of the setbacks along the streets and be approved through a site plan review process.

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

MOTION: A motion was made by Commissioner Southwick to recommend approval of the petition to rezone as requested based on the findings it is consistent with the policies of the General Plan and the Canyon Road Community Plan. Approval is subject to Staff recommendations as follows:

1. The petitioner completing the small subdivision plat process to have the property line between 981 12th Street and 1245 Monroe Blvd. follow the new zoning boundary lines.
2. The existing row of parking stalls be shifted out of the required 10' wide landscaped setback along west property line and the new property line/zoning line, and also the required 20' wide landscaped setback along Monroe Blvd., which will need to be completed under a site plan review process.
3. The dumpster for the Dylan's Restaurant be placed in screened enclosure out of the setbacks along the streets and be approved through a site plan review process.

Motion was seconded by Commissioner Safsten and passed unanimously with Commissioners Aaberg, Blaisdell, Safsten, Shale, Shinoda, Southwick and Sandau voting aye.

7. Public Hearing, Ogden Bend Master Plan

- a. Project Master Plan
- b. Zoning Ordinance Text Amendment

Mr. Brierley stated the Ogden Bend redevelopment area extends from 18<sup>th</sup> Street to 20<sup>th</sup> Street between Washington and Wall Avenue and is zoned MU. He stated the master plan was created and adopted in 2011 and some progress has been made as various properties have developed. However, since its approval, some things have changed and there are fragments of property under separate ownership which make development difficult. He reviewed the master plan as well as property ownership and the approval process for the MU zone, stating this action is to first update the project master plan and then to amend the text of the MU Code to match the master plan.

He indicated as the City has tried to assemble properties for development and some existing owners have swapped property, there have been challenges. One proposal is for the City to swap its property along Wall Avenue which is slated as a public park with property currently owned by Lotus along Lincoln Avenue which is slated for cottage-style development which does not fit their existing market. The park would then be at the interior of the project and more accessible to residents, and would connect across the Ogden River to the existing High Adventure Park. Another concern identified is the plan identifies some buildings as being a fixed building type. Staff feels the concept plan should allow more flexibility and is proposing to eliminate the fixed building types and create a more general land use map which will require the same building types as identified in the existing plan but would allow some variation in their placement. The residential area would still require the two building types but would allow more flexibility in their layout. He stated due to the various owners within the project area, the requirement for a mix of building types becomes awkward as the first one to develop would have a variety of options, but once a building is constructed, the adjacent owner then cannot use that building type. Staff is recommending the mixed residential areas each project itself would be required to have two building types. The existing plan now identifies a variety of housing types as townhomes, apartments, small cottages and mixed use commercial and residential. The cottages have not yet been developed and the proposed amendment would include more cottage development in the middle of the project. He also identified the arch in the roadway as an obstacle for development and felt while the plan should provide a good connection across the Ogden River, the access from 20<sup>th</sup> works better if a straight road is provided.

He then reviewed proposed ordinance text changes which would modify building types allowed by project rather than block-by-block, change maximum building lengths along Washington and Wall Avenue, noting most of the frontage along Washington is already developed, so it would mostly be effective for Wall Avenue. This would allow buildings to be a continual block so long as the appearance is broken up and looks like separate buildings, similar to the new downtown zone. He stated the MU zone is not identified in the appendix of the sign code and is suggesting it be added. He also reviewed proposed changes in the approval process. Staff recommendation is for approval of the amendments to both the master plan and the zoning and sign ordinances.

Commissioner Southwick asked what portion of the project is owner occupied. Mr. Brierley responded the townhomes are owner-occupied while much of the rest of the residential portion of the project are rented. Commissioner Southwick stated Lotus has done some development in this area which are all rentals and asked if they might consider creating units which could be owner-occupied. He also felt a mistake had been made with their previous development as it is too close to the River Parkway and does not leave adequate access to the parkway trail or the river. He felt the original location of the park would better preserve public access to the River Parkway, stating the river frontage should be an asset to the entire community.

Chair Sandau stated the existing park location is isolated from the High Adventure Park, with Lincoln Avenue separating them. She felt the river connection and it would appear to be an extension of the existing park. She agreed the river frontage should be preserved. Commissioner Aaberg felt a park adjacent to a busy street such as Wall is not ideal and prefers the interior location. Discussion continued relating to how the parkway trail access could be preserved if the City does not own the adjacent property and whether some type of development agreement could be required to assure trail access for the public once the property transaction is complete as well as to encourage owner occupancy in residential buildings as part of the land trade. The concept of a development agreement was discussed which would encourage unit ownership as either townhomes, cottages or condominiums. It was suggested the plan amendment could include the development along Wall Avenue be designed as townhomes.

Mr. Richins indicated there is a storm water lift station in the area previously slated as a public park and any development on that property as well as any bridge will need to be done in a way to assure it will still be operational. Public access to this area will be required to assure it is can be maintained in the future, suggesting this could be accomplished by maintaining easements as part of the trade.

Commissioner Shinoda asked how close buildings could be located in relation to the river. Mr. Brierley indicated the location of the floodplain would be the only distance which could be used to establish setback requirements from the river. He stated the river front is valuable to the community and felt buildings should be designed to be further from the river, and allow for wider sidewalks, trees, green space and fishing.

Mr. Damen Burnham, Ogden City Community Development, stated the City has had some discussions with both the developer and City Engineering to assure both the floodplain and an additional riparian area be maintained in order to maintain public access to the river. He felt maintaining vacant property next to the river de-incentivizes its use by the public, but appropriate development with public access would bring more activity and security to the river. It was noted the MU zone would still allow a mix in development, with potential restaurants or retail space as well as residential uses. He further discussed issues which the City has had in acquiring property as well as concerns with developers not able to develop the cottage concept as single-family detached housing.

Mr. Simpson stated one comment has been typed into the Zoom feed from Bill who encouraged owner occupancy but asked specifically to identify the park swap being discussed. It was noted the properties are similar in size. Staff identified both the current location of the park and its proposed new location.

Mr. Bryan Schade 2615 VanBuren, stated he felt Ogden City has failed in its development of the Ogden River Parkway Trail. He stated the City had previously spent millions of dollars to clean up the river and make it available to the public, and as development has occurred, no efforts have been made to assure public access is retained. He stated access is available at Washington and Lincoln, but little space between those blocks where public access is available. He also expressed concern that the height of buildings would affect the ambiance of the area, stating cottage owners would prefer a view of the river rather than a five-story apartment building.

Mr. Nick Milford, 2510 Washington, felt a centrally located park is more conducive to users of the parkway trail as well as being a better benefit to the surrounding residential community.

Adam, representing Lotus, noted while they had purchased the central property, they feel it is not economically feasible for them to develop the detached housing identified in the plan. They have been in conversation with Ogden City in an effort to find what development would work and initiated the concept of the land trade, suggesting the Wall property better fits their business model. They felt they could develop higher density close to 18<sup>th</sup> Street and more commercial or industrial uses along the Wall Avenue frontage, allowing owner occupied units to be created in the central portion of the project. He stated a concept plan for the property north of the river has been funded and is felt to match the proposed plan amendment. A portion of that concept would be townhomes which could potentially be either rental or owner-occupied.

A resident asked what is being done to revitalize existing buildings which are now vacant. Mr. Brierley stated the Business Development division is consistently seeking tenants for vacant buildings, particularly in this area.

Commissioner Southwick expressed concern that the viewshed of the river also be protected by limiting the height of buildings, and to maintain public access to the river corridor. He felt distance from the river could be identified as an option to better preserve this as public space. He agreed with the concept of the land trade but felt some language should be included to assure the river corridor is protected.

Mr. Peter Herrera, 2578 Jacqueline Drive, stated he owns property north of the RDA project and agreed with the cottage concept, stating it is his desire to do a similar project if the property could be rezoned to allow smaller lots, but felt a HOA is imperative in order for residential lots to be well maintained.

Mr. Scott Jackson, owner on 18<sup>th</sup> Street commended the action of property development, stating he agreed with the concept of relocating the park, stating a family park along Wall Avenue is not desirable. He also expressed concern about the accessibility of Wall Avenue.

Discussion continued relating to action regarding the proposed plan. Commissioners expressed agreement with the concept of swapping land but felt some detail could be added to better preserve the river corridor and viewshed, provide pedestrian crossings of the river and allowing development to be economically feasible, suggesting the public hearing be continued and the item discussed during the work session in March and a decision made at the April 3<sup>rd</sup> meeting.

MOTION: A motion was made by Commissioner Southwick to continue the public hearing. Motion was seconded by Commissioner Shale and passed unanimously with Commissioners Aaberg, Blaisdell, Safsten, Shale, Shinoda, Southwick and Sandau voting aye.

Review of Correspondence (if any) - none received

Reports: Landmarks Commission – Mandy Shale reported certificates of historic appropriateness were approved to install rain gutters at 2561 Van Buren, to remove TPO and clean masonry at the Eccles Art Center. The Commission also reviewed a five-year work plan and holding quarterly work sessions to keep on track with the work program. They also discussed designating Ogden as a WWII Heritage City, including the activity at Union Station and prisoner of war camps in Ogden and surrounding communities.

Citizen Advisory – Rick Southwick – no meeting

Ogden Trails Network – Michelle Williams – not present, no report

#### Review of Meeting

Both Mr. Tanner and Mr. Brierley felt the meeting went well and had no comments to make it go better. Commissioner Blaisdell stated many items took a lot of time for discussion and asked if that were a problem. Chair Sandau felt the discussions were not going in circles and felt all comments were valid. Commissioners commented there were many questions and good discussion.

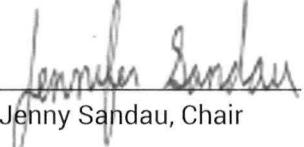
Mr. Brierley announced that other than the discussion regarding the Ogden Bend Master Plan, the work session will also include a discussion on the public participation process for the General Plan update.

There being no additional business before the Commission, a motion was made, seconded and passed unanimously to adjourn the meeting at 7:51pm.

Respectfully submitted,

Jannette Borklund, Administrative Assistant III

Approved: 4/3/2024  
(date)

  
Jenny Sandau, Chair