

**NORTH OGDEN CITY COUNCIL  
MEETING MINUTES**

November 19, 2019

The North Ogden City Council convened in an open meeting on November 19, 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 November 14, 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            left @ 7:41 pm

STAFF PRESENT:    Jon Call                     City Manager/Attorney  
                         Annette Spendlove        City Recorder/HR Director  
                         Brandon Bell               Associate Planner  
                         Tiffany Staheli             Parks & Recreation Director  
                         Dave Espinoza             Public Works Director  
                         Dirk Quinney               Police Chief  
                         Evan Nelson                Finance Director

VISITORS:            Neal Berube                Kevin Burns                Terry Bexell  
                         Orloff Opheikens         Ken Crockett               Kyle Crockett  
                         Mark Koehler              Stefanie Casey             John Hansen  
                         Julie Anderson             Susan Clements             Dave Shupe

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

**ACTIVE AGENDA**

**1.    PUBLIC COMMENTS**

Julie Anderson, 940 E. 2600 N., thanked the citizens who were engaged in the recent Municipal General Election. She is grateful for the opportunity she had to run for office and for the support she received.

## 2. CANVASS OF ELECTION RESULTS

City Recorder Spendlove reported on the results of the Municipal General Election of November 5, 2019. The total number of registered voters in the City is 10,146; 5,444 ballots were cast for a turnout of 53.66 percent, which is the highest turnout North Ogden has ever had and was the second highest in the County this year. For the position of two-year Mayor, S. Neal Berube received 3,050 votes (56.81 percent) and Lynn H. Satterthwaite received 2,319 votes (43.19 percent). S. Neal Berube is duly elected. For the position of four-year Council Member seat, the results are as follows:

Ryan M. Barker: 2,965 (20.22 percent)  
Charlotte Ekstrom: 2,689 (18.34 percent)  
Phillip D. Swanson: 2,540 (17.32 percent)  
Randy Winn: 2,521 (17.19 percent)  
Julie Anderson: 2,423 (16.53 percent)  
Ronald B. Flamm: 1,524 (10.39 percent)

The duly elected Council Members are Ryan M. Barker, Charlotte Ekstrom, and Phillip D. Swanson. For the position of two-year Council Member, Cheryl Stoker received 2,871 votes (54.24 percent) and Wade Carl Bigler received 2,422 votes (45.76 percent). Cheryl Stoker is the duly elected two-year Council Member.

Ms. Spendlove then provided a summary of the number of ballots mailed and the number of ballots that were not counted for various reasons, such as voter signature not matching the signature on the voter record; ballot not signed; or ballot not returned timely. Each voter notified of the issue with their ballot and given the opportunity to correct the deficiency with their ballot. She then noted the four-year Council Member race was within the margin for which a recount is allowed; this is when the number of votes cast for a winning candidate in the race is equal to or less than .25 percent of the total number of votes cast for all candidates in the race. The impacted candidate must request a recount within seven days of the canvass, so a request for a recount of the four-year Council Member seat must be received by 5:00 p.m. on November 26. She then summarized the process the County would follow if a recount is requested; it will take approximately two days to perform the recount. She then asked for a motion from the Council, acting as the Board of Canvassers, to certify the election results; if a recount is requested, the Board will be asked to certify the recounted results at a later date.



a. **DISCUSSION AND/OR ACTION TO APPROVE THE RESULTS OF THE 2019 MUNICIPAL GENERAL ELECTION CANVASS**

Council Member Cevering motioned to accept the results of the 2019 Municipal General Election Canvass. 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
Mayor Chugg	aye

The motion passed unanimously.

3. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE FOR AQUATIC CENTER FEES**

A staff memo from Parks and Recreation Director Staheli explained that this past April, the City Council started the process to adjust the admission fees for North Shore Aquatic Center. These fees were last adjusted in 2012. Over the course of the last few years we have made adjustments to expenditures for wages for seasonal staff and there have been overall increases in expenditures due to inflation and the increasing age of the facility. As we continue to work towards covering our costs with revenues, we propose consideration of the following adjustments in the facility fees that were not adjusted in April due to the seasonal nature of the facility. Passes: \ Individual Season

Pass.....	\$65.00	70.00
Individual Season Pass (purchased between Oct-Apr).....	\$55.00	60.00
Group rate passes (4 or More) .....	\$55.00	60.00 each
Picnic Pass .....	\$2.50	3.00
10 Punch Pass (Resident) .....	\$45.00	50.00
10 Punch Pass (Non-Resident) .....	\$50.00	55.00
30+ Group Discount.....	\$3.50	4.00 each

Facility Rentals:

2-hour Facility Rental (200) .....	\$215.00	225.00
3-hour Facility Rental (200).....	\$325.00	340.00
2-hour Facility Rental (400) .....	\$430.00	450.00
3-hour Facility Rental (400).....	\$650.00	680.00
2-hour Facility Rental (600) .....	\$645.00	675.00
3-hour Facility Rental (600) .....	\$975.00	1020.00
2-hour Facility Rental (800) .....	\$860.00	900.00

3-hour Facility Rental (800) ..... ~~\$1,100.00~~1225.00  
Deposit (Refundable) ..... \$50.00

Swim Lessons:

Standard Group Lessons .....~~\$3240~~/Resident  
Standard Group Lesson ..... ~~\$4755~~/Non-Resident

Bowery Rentals:

During Open Swim hours ..... ~~\$35.00~~40.00/2 hours

If adopted, these changes would become effective for the 2020 seasonal year at the Aquatic Center.

Ms. Staheli reviewed her staff memo.

Council Member Cevering inquired as to how close the Aquatic Center is to covering its costs with the revenues generated by these fees. Ms. Staheli stated that the facility revenue is covering 80 percent of operational costs.

There was a brief discussion about the benefit of partnering with Groupon to sell passes to the Center.

Council Member Stoker asked if the recent increase in lifeguard wages has helped her to retain employees. Ms. Staheli answered yes; this past year, she only had to hire 15 new guards because so many of her existing guards from the past season returned.

**Council Member Swanson motioned to approve Resolution 09-2019 amending the Consolidated Fee Schedule for Aquatic Center Fees. Council Member Turner seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**



4. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE GENERAL PLAN'S MODERATE-INCOME HOUSING**

A staff memo from City Manager/Attorney Call explained when the City Council is acting in a legislative capacity they have wide discretion. Examples of legislative actions are General Plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to The City Council. Typically, the criteria for making a legislative decision, evaluates compatibility with the General Plan and existing codes.

North Ogden City is engaged in an update of the North Ogden City General Plan required by the State, to update and report on the Moderate-Income Housing component of the General Plan. The State requires each city to look at the affordability of housing at 80% (\$63,141), 50% (\$39,463), and 30% (\$23,678.) of the City's median income level (\$78,962). Under the guidelines families should not be paying more than 30% of their monthly income for housing costs, including mortgage (rent), insurance, taxes, and utilities. The Moderate-Income Housing (MIH) portion of the General Plan will be required to be updated every other year as well as some additional reporting requirements.

The General Plan Steering Committee has met several times on the proposed Moderate-Income Housing component and is recommending adoption of the attached Plan amendment. The Planning Commission has held a public hearing and also recommended adoption of the attached Plan.

In the Public Hearing before the Planning Commission at least one individual asked some questions about whether or not this Plan is specifically recommending high density, rental units, or what, if anything, is recommended. This is a new process for all the Cities in Utah and the Plan as staff sees it isn't intended to recommend any specific type of housing be constructed in the City. The main goal of the Moderate-Income Housing component is to measure the current level of affordable housing in the City and then track it over time. The secondary goal of the MIH is to identify City housing goals and evaluate how those goals impact the accomplishment of affordability of housing in the City.

The City has already accomplished at least one of the goals outlined in the MIH which is to allow for Accessory Dwelling Units to be constructed in the City with an owner occupancy requirement. Other goals identified in the Plan include:

- Encourage higher density or moderate-income residential development near major transit investment corridors.
- Implement zoning incentives for low to moderate income units in new developments; preserve existing moderate-income housing.
- Utilize strategies that preserve subsidized low to moderate income units on a long-term basis.

- Implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality.
- Apply for or partner with outside agencies.

PROPOSED AMENDMENTS:

- Modification of title page;
- Addition of Appendix L:
  - Attach 2019 Moderate Income Housing Update with appropriate Appendix Page.

The memo offered the following summary of City Council considerations:

Is the proposed Moderate-Income Housing Update consistent with the remaining General Plan components?

Does the proposed Moderate-Income Housing Update satisfy the requirements for state code?

The memo concluded the General Plan Steering Committee (7 to 0) and Planning Commission (5 to 0) unanimously among members present recommends adoption of the amendment. The City Council should review the information and approve or modify the document for adoption.

Mr. Call reviewed his staff memo and briefly reviewed the Moderate-Income Housing update document.

Council Member Cevering asked Mr. Call to explain the funding sources that are tied to the City's adoption and submission of a Moderate-Income Housing Plan. Mr. Call stated that there is a connection between the Plan and transportation, the majority of which is allocated to the Utah Transit Authority (UTA) for fixed rail projects. However, the City has received some of the funding for safety sidewalk projects. If the Plan were not adopted, the City would not lose a significant amount of money, but there is also no penalty for not meeting the goals in the document and there is no harm in having it in place.

Council Member Turner likes the fact that this is a 'living document' that can be adjusted as needed as the City continues to evolve.

Council Member Swanson stated that goal J references different housing types and he asked for examples of different housing types that could be allowed or considered to qualify as moderate-income housing. Mr. Call stated that there are many different housing types that appear to be single-family residential units, but actually contain multiple units. The Plan is intended to communicate that there are housing types other than single-family or high-density apartment complexes that could be allowed in North Ogden and could be made available to moderate-income individuals. Julie Anderson added that the recommendation for goal J was based upon information that was included



in a presentation made by Associate Planner Bell regarding various housing types. She has personally seen multi-family housing units that appear as a single-family home and she is supportive of this kind of land use in the City to avoid the need to allow high-density apartment buildings. She stated she is supportive of this Plan as it will help the City to avoid over-regulation by the State Legislature; the State should not be requiring cities to allow certain types of housing in their community.

Council Member Barker stated that he supports the adoption of this document, but he is still concerned about the reasoning behind the legislation that spurred this Plan. He feels that the State is penalizing cities that traditionally have higher home values. He then stated that he does like the goal in the document that would provide for housing incentives for City employees or employees of other large entities that are based in North Ogden.

Council Member Stoker stated that she likes the multiple housing type options that are allowed by the Plan; she is supportive of identifying areas that may be suitable for higher density housing projects, but limiting those projects to the type that are very high quality in their design.

**Council Member Stoker motioned to approve Ordinance 2019-25 amending the General Plan's Moderate-Income Housing. Council Member Swanson seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously .**

**5. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PATRIOT POINT TO MPC**

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 Planning Commission conducted a public hearing on October 2, 2019. There were a number of individuals who appeared at the public hearing who asked questions and gave their opinions.

The applicant has submitted an application to rezone the property at approximately 200 East 2550 North from Suburban Residential (RE-20) to Master Planned Community Zone (MPC/PP). A development agreement is also attached as part of the rezone consideration. In addition, a subdivision application and site plan application will be considered for approval subsequent to the rezone.

A joint work session with the Planning Commission and City Council was held on June 5, 2018. The following summary of discussion conclusions is listed below:

- Quality Building materials / no stucco
- Property to be managed by the owner through a management company
- Amenities to be determined with trails, community center, etc. to be included in the site design.
- Parking is a key issue with meeting city parking standards.
- Approximately 389 dwelling units; density of approximately 11.82 units per acre.
- Future phases to be shown as future development; separate development agreement to be processed for future phases.
- Commercial will be done in the phases that front onto 2550 North; 5% of the project.
- 150 East cross section to be reviewed and designed as a boulevard.

A concept plan was reviewed at the April 17, 2019 Planning Commission meeting. The Planning Commission conducted a field trip to examine similar style developments on August 21, 2019.

**Analysis:**

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

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

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

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



The Patriot Pointe / Double OTT Ranch proposal is for a mixed-use project (residential and commercial) that will be built in multiple phases. A Technical Review Committee meeting was held on May 15, 2019.

The applicant has prepared a conceptual site plan, a project narrative, and building elevations that shows the Patriot Pointe project surrounding the future city park / detention pond. The residential component has three housing types, i.e. townhomes, twin homes, and apartments. The commercial development will be two buildings on a little over 2 acres. There will be 6 phases to the project. The initial 3 phases are townhomes, phase 4 twin homes, Phase 5 will be apartments, and phase 6 will be commercial.

**Project Summary:**

Residential

Apartments	144 (6 buildings) 389 parking stalls
Town Homes	197 units (39 buildings) 469 stalls
Twin Homes	48 units (50 buildings) 96 stalls
Total Units	389 units on 32.92/11.82 units per acre

Commercial

Commercial has approximately 14,000 square feet in two buildings

Density

The Master Planned Community zone has a density range of 6 to 18 units per acre for medium density projects. The overall density is 11.82 units per acre.

Park and Detention

North Ogden City is working jointly with the applicant and property owner to relocate the detention basin from 2600 North to this property. That design will be forthcoming to the Planning Commission as a site plan review. The park and detention property will remain in the RE-20 zone. Staff will be presenting an institutional zone in the future for all City parks and facilities.

Amenities

The project narrative describes the amenities for the project. The applicant is also the owner for the adjoining Ranches project. The clubhouse for The Ranches project is to be shared by the residents of the Patriot Pointe project. Documentation needs to memorialize this commitment. The applicant has provided a clubhouse plan. The required landscape plan will need to show the described dog park and playground amenities.

**11-7K-5 DEVELOPMENT STANDARDS**

Staff has reviewed each of the design standards and provided an analysis.

A. Building Placement and Massing

1. Setbacks

Building facades should comprise at least 50% of all other public street edges. Buildings setbacks for major streets are to be 0 to 10 feet while all other streets may have setbacks with a minimum of 15 feet.

Building setbacks – minimum of 15 feet on minor streets.

**Analysis:** There are no minor streets in the project. The two parking lots along 150 East will need to be considered as to location and design. Staff recommended that two apartment buildings be moved to be adjacent to 150 East. The applicant has moved one building along 150 east, with parking lots still remaining along the rest of 150 East. Staff recommends that no parking lots be located along 150 East. The 50% frontage for the apartment buildings has been met, at 51%, which was 272 feet of building elevation divided by 532 feet of street frontage.

The setbacks for the apartment buildings from the edge of the right of way are 10.9 feet (at the closest point) from the edge of the right of way, for one apartment building and 15.0 for the next.)

The front setbacks for buildings 106, 105, and 104, and the side setbacks for buildings 102, and 101, which are the buildings that border on the Ranches Project to the east, do not meet the required 20' setback. The Planning Commission determined the location of these buildings to be acceptable. A provision has been written into the development agreement for these buildings along the east property line; if this is not determined to be desirable these buildings will need to meet the setback

Most buildings abut private streets, if the proposed design is approved, the development agreement should indicate that the setback requirements do not apply to a private street. The applicant has submitted a report showing that the driveways in the project for the townhomes meet the 20' required standard.

2. Zero lot lines: None requested.

### 3. Building orientation

Entrances shall front onto major streets. Minor streets may be altered with appropriate landscape buffer yards.

**Analysis:** The layout of the project includes building entrances that front adjoining properties. This item is addressed in the Land Use and Buffering subsection.



B. Building Heights

The building heights are specified below in the ordinance. The applicant is proposing a building height of 2-28 feet for the townhomes.

Land Use	Commercial, Office & Vertical Mixed-Use or residential flats	Condos, Townhomes, single purpose apartments	Single Family, Twin Homes, & 4-unit buildings	Civic Uses & other stand-alone uses
Minimum Building Height	Two Stories or 24'	Two Stories or 24'	One Story or 14'	One Story or 14'
Maximum Building Height	Four Stories or 50'	Three Stories or 36'	Two Stories or 24'	Three Stories or 36'

**Analysis:** A variety of building heights are allowed depending on the building type/land use type, shown in the above table. The proposed height for these building types/land use types is within the allowed maximum height with the exception of a 25' maximum height for the twin homes. Information regarding the building height for each building type has been included in the development agreement. The proposed maximum building heights identified by the applicant, in the 'Notes' document (see Exhibit F) are: townhomes at 28 feet and apartment buildings at 34 feet (see Exhibit F). The heights listed on plat need to be consistent with those listed in the development agreement.

C. Land use Impact and Buffering.

Landscape buffers and any fencing must be shown on the landscape plan. Building setbacks to adjoining zones reflect a setback of 20' for buildings up to 24' in height (measured to the peak of the roof). Additional height may be allowed with an additional foot of setback for every one additional foot of height.

**Analysis:** The applicant has indicated that they will submit a detailed landscape plan as part of site plan approval, which is a requirement. The concept landscape plan is contained in the colored rendered site plan.

The townhomes are 4' over the 24' height limit currently needed to qualify for the 20' setback at property boundaries. However, The Planning Commission indicated that they were fine with the additional 4' in height, without additional setback at the property boundary. A modification has been made on this topic to the proposed development agreement.

Other townhomes do not meet the 20' setback on the east side of the project, which the Ranches project adjacent to (which is a similar project with a compatible land use). The Planning Commission was fine with the location of the townhomes in this area. A provision has been made in the development agreement to accommodate for the location of these homes.

D. Architectural Design and Materials. Repetitive designs for projects over 5 buildings is not acceptable. The exterior brick and colors will be varied., e.g., no more than 4 color schemes per housing type, in addition to the roof color is allowed per project. Building materials will need to be provided for each building type along with a color palette.

**Analysis:** The Color board shows colors for townhomes only (see Exhibit J). The applicant needs to provide colors for the other buildings, when later phases are approved. The proposed building materials for the townhomes and clubhouse are brick and fiber-cement board. One desire worth noting specified by the City Council and the Planning Commission in earlier meetings was the desire for no stucco in the project.

The applicant has provided updated elevations for twin homes, eliminating stucco and providing brick and fiber-cement board as an alternative. The applicant has also provided updated elevation on the apartment buildings, which includes no stucco used as an external building surface material.

E. Signage

**Analysis:** No sign plan has been provided; the applicant needs to submit one if signage is desired at this time. Staff recommends signage approval be assigned to staff for completion, but shall not exceed 25 square feet of copy area in any location. Limiting to 3 signs is recommended.

F. Open Space (A minimum of 20% is required)

**Analysis:** There is a common greenspace along the west side of 150 East. The applicant has provided the percentage of open space, for all but one phase. The total percentage of open space among the phase specified is 32.5 %. The phase for the twin homes is at 19% and the phase for the commercial specifies that it will have 20% minimum but does not provide a total acreage. The acreage for public roadways in the project is 4.63 acres. The private streets are 3.63 acres. On a related note, there is a trail through the park area, and a 6' sidewalk, which has been deemed sufficient to meet the trail requirements for this area.

G. Landscaping

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

**Analysis:** A very conceptual landscaping plan has been submitted (see Exhibit C); however, a detailed plan is required; this should include species and variety/cultivar of plants, quantity of each plant type, location, and some indication of the size that will be planted. This project has committed, via an agreement, to have 25% landscaping. Initial designs indicate this percentage will be met with landscaping and plaza common space.



#### H. Outdoor Lighting

**Analysis:** (Street lighting details have not been submitted. Building lighting is required to be directed downward, and shielded to mitigate light pollution. Staff can be delegated the duty of verifying lighting compliance with dark sky goals.)

#### I. Streets and Pedestrian Ways.

**Analysis:** 150 East is a collector street and has a 66 foot right of way. This roadway cross section has been designed as a boulevard with a bike lane and parking adjacent to the pond and detention basin. A street cross section design was presented at the Planning Commission meeting. (See Exhibit L) There are two other public streets 2300 North and 2225 North.

The streets in the project are comprised of private lanes and private drives. The private lanes directly access the garages for the townhomes. The sidewalk design and walkways should be included with the site plan when considered for site plan approval.

The site plan shows basic roadway access and sidewalks for pedestrian ways. The Parks and Recreation Director has specified that a trail which meets the Public Works Standards needs to be provided along 2300 North.

#### J. Other Forms of Transportation

**Analysis:** The project site lends itself mainly to connecting to adjacent roadways. Coordination on alternative transit opportunities should be explored.

#### K. Parking Areas. Vehicle Parking, Typical Required Vehicle Parking Spaces, Bicycle Parking.

**Analysis:** The plan identifies specific parking layout with specific dimensions and parking numbers.

#### Parking Summary:

##### Residential Parking (2 stalls per dwelling unit)

Townhouse Garages (2 per unit) with some surface parking – 197 units, 469 stalls.

Twin Homes (2 Car Garages) – 48 units, 96 stalls.

Apartments – Surface Parking (Required 288 stalls) – 144 units, 389 stalls provided.

Clubhouse – Additional Units need to be calculated.

Total 782 / 2 stalls per unit, in addition to clubhouse parking.

##### Commercial Parking

Requirement: 1 stall per 200 square feet or 5 stalls per 1,000 square feet of commercial = 70 stalls – 104 provided.

L. Environmental This standard relates to building, landscape, and solar design. The ordinance suggests a design that emphasizes extensive landscaping, building recesses, porches, and parking that uses concrete that absorbs sunlight. This reflects the need for observing best design practices in the project layout.

**Analysis:** The Planning Commission should identify any items they would like the applicant to address.

M. Requirements Unique to Residential Uses.

The following shall apply to residential uses:

Multi-family residential use shall comprise a variety of types of housing, fulfilling housing needs with a wide assortment of housing choices.

**Analysis:** Patriot Pointe has 3 housing types: apartments, townhomes, and twin homes. The final design for the building elevations should take these standards into account.

1. The following standards shall be required for multi-family residential:

1. Properly designed off-street surface parking hidden from streets, parking terraces, or underground parking. Attached or detached garage units associated with multi-family development should be rear loaded. Where only front-loaded garages are possible, they shall be subservient and setback 5 feet from the front façade and at least 20' from the front property line.
2. Flat roofs with a parapet and pitched roofs with a 4/12 pitch or greater, unless otherwise approved by the Land Use Authority.
3. Extensive windows facing streets, alleys and pedestrian connections.
4. Covered porch entrances.
5. Entry sidewalks that connect directly to public sidewalks.
6. Livable balconies of 50 square feet or larger with a minimum of 5' in depth.
7. Material variety.
8. Building relief.

**Analysis:** The Planning Commission indicated they were satisfied with the building garages loading onto the private lanes. The proposed development agreement specifies the setbacks for the buildings. The pitch on the twin homes meet the requirement. The applicant has stated that the pitch for the town homes and apartments is 4:12.

**DESIGN CONSIDERATIONS**

Staff has concerns about the garages for many of the townhomes fronting onto the road listed as a 'private lane.' The current design will cause these lanes to function as a very long alley, with little to no interruption and only two intersections with cross streets in the entire townhome area of the project.

A related design concern is that other townhomes have garages and driveways facing onto public streets. This presents a concern with the number of driveways and vehicles



fronting onto the streets, as well as the aesthetic impact on these public streets. The Planning Commission found both of these above aspects of the design to be acceptable.

Another consequence of loading the garages onto the private lanes with the front facades facing the edge of the project, is that many of the buildings face onto the adjoining property. This will affect the primary view for many of the residents of this development. There is vacant land to the south, and to the west, part of the property is vacant and part is occupied with townhomes. The backs of the townhomes to the west adjoin the project property. The applicant does not control the surrounding property, and there is a recognition that this places limitations on the design. This however, leaves the possibility of the primary view for many of the townhomes consisting of a dissimilar or incompatible land use, or the back of another property or a fence.

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

When the requirements of this chapter are found to be in conflict with other provisions of the City Code, the standards, requirements, and processes of this chapter shall take precedence, especially where a development agreement has been approved.

The Master Planned Community zone provides ultimate flexibility in applying design options for an applicant and the City. Where provisions conflict with existing code they may be modified in the required development agreement.

The Planning Commission found the current design acceptable. The City Council should clarify if they have any concerns with the design. The conflicts with the zone that are addressed in the development agreement are:

- Building heights; and
- Setbacks.

#### **GENERAL PLAN**

The proposal is located in the Southtown neighborhood. The General Plan map calls for this property to be developed as Medium Density Residential; the MPC zone is consistent with this designation.

The memo offered the following summary of potential City Council considerations:

- Does the application meet the purpose / intent of the MPC zone?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- Is the overall layout acceptable?
- Are the building elevations, building materials, and colors acceptable?
- Does the City Council agree to leave the RE-20 zone in place for the park detention property?
- Are the proposed amenities for the project acceptable?
- Is the 150 East streetscape acceptable?

- Are there any modifications that should be included in the development agreement?
- Does the City Council have any other items they want the applicant to address?

The Planning Commission gave the following direction in their recommendation for approval:

1. Front the apartment buildings onto 150 East. (Completed)
2. Provide the missing setbacks distances to exterior property line for buildings 101, 102, 104, 106, 203, 204, 309, 310, and 311 to the property line, and the setback distance to all public and private streets. (Completed)
3. Provide an exhibit showing setbacks for all buildings to property lines, between buildings, and to any streets or private drives.(Completed)
4. Townhomes that are adjacent to other zones must have a 24-foot setback or obtain a modification. (Completed)
5. Show the required 20-foot garage setbacks on the plan.(Completed)
6. Specify the building heights for the townhomes. (Completed)
7. Submit a detailed landscape plan with the site plan application. (Completed)
8. Submit a subdivision application.
9. Leave the park / detention property RE-20 zone in place. (Address in rezone ordinance)
10. Remove the fence along the west side of the Ranches project to enable the Patriot Pointe residents to access the clubhouse. Provide documentation that the Ranches clubhouse is accessible to the Patriot Pointe residents.
11. Include in the landscape plan the details for the playground and dog park.
12. Coordinate with UTA regarding public transportation amenities.
13. Determinations – The City Council should make a determination for the following:
  - a. What should the townhouse setbacks be at the property boundaries?
  - b. Is the design configuration with the townhomes facing onto the exterior of the property acceptable?
  - c. Is the cross section for 150 East acceptable?
  - d. Are the garages loading onto the private lane acceptable?

The memo concluded the Planning Commission reviewed the application and recommended the rezone to the City Council, with the conditions listed above. The City Council can find that the application is consistent with the General Plan. Staff will prepare a development agreement in accordance with the direction provided by the City Council.

Mr. Scott reviewed his staff memo and indicated that staff wanted to hear from the Council regarding whether they are comfortable proceeding with the zoning action before considering the development agreement for the project.



Council Member Cevering asked for information about the commercial component of the project. Applicant John Hansen stated that the commercial property fronting 2550 North is designed to have two retail outlets or offices; there will be two buildings that will be 8,000 square feet each and they could be subdivided into 1,200 square foot units. He is unsure of the potential tenants of those spaces, but the buildings will be high quality in nature.

Council Member Swanson inquired as to the setbacks between the buildings in the Legacy North Subdivision, to which Mr. Hansen answered 12-feet. He was worried about the boundary on the west side of the property so he took the Planning Commission to other similar projects to allow them to form their own opinion about the distance between front doors and property lines. They ultimately felt comfortable with the 20-foot setback on the west side.

Council Member Swanson asked Mr. Scott if the streetscape design is traditional with curb and gutter or if it will have modified curb design to allow for free water flow. Mr. Scott stated it will include standard curb and gutter at this point, but other design features can be incorporated if such is determined appropriate.

Council Member Stoker inquired as to the allowed commercial uses on 2550 North. City Manager/Attorney Call identified the property on 2550 North and indicated it is currently zoned CP-2; the property to the west has been rezoned to commercial zone as well, but other properties in the area are still zoned RE-20. Council Member Stoker stated the Council received a report from Zion's Bank recently regarding the types of commercial uses that generate the most tax revenue for the City; she asked how office space ranks in the list of commercial uses that were discussed in comparison to retail. Mr. Call stated the highest tax revenue generating use was retail commercial, with the next highest being multi-family units that generate high property tax revenues. The lowest tax generator was office space. The representative of Zion's Bank suggested the development of flex space that could be used for office or retail use based upon market demand.

Mr. Hansen then stated that he and the landowner is very excited about this project. He referenced the heartache the Council and the community experienced in relation to the public pond component of the project, but noted that the landowner does not want to maximize the density of the property because he would rather develop a quality project that will positively contribute to the City for many years to come. The partners that will participate in the development of the project are great developers and they have built several high-quality communities in other cities in the area. He then stated that he is willing to design the streetscape as the City wishes. He concluded that all individuals involved in the project have great track records of building nice projects and they are ready to get started on the project once City approval has been granted. Mr. Call added that the agreement for this property allows a maximum density of 20 units per acre, which would allow 640 units on the 32 acres; however, the owner is asking for approval of just 389 units, which is much less than the maximum density allowed. If this zoning ordinance and the subsequent development agreement are approved, the 389-unit count

will be set in stone. Council Member Swanson asked if the initial agreement that allowed the 20-units-per-acre density was in relation to R-4 zoning, to which Mr. Call answered yes. Council Member Swanson clarified that a development agreement is not required for R-4 project. Mr. Call stated that is correct.

Council Member Barker stated that after his short time as a Council Member, he is not a fan of the MPC zone because of what has occurred with other MPC projects in the City. For the other project, the initial developer sold to other developers, who subsequently requested changes to the development agreement that had been approved. He is hopeful that same thing will not occur for this project. Mr. Hansen stated that he understands Council Member Barker's concerns, but noted that one major difference between the Patriot Pointe project and the other MPC project in the City is that this project is totally funded and he hopes to do it right the first time. Mr. Scott added that as the City moves through the project of updating the zoning and land use code for the City, staff will work with the consultant to determine if changes to the MPC zone are warranted. The Council will be involved in discussion about any changes.

Council Member Swanson asked Council Member Barker if he would prefer the R-4 zone over the MPC zone. Council Member Barker answered yes and noted that any changes to development plans for an R-4 project would only need to be submitted to the staff rather than the City Council. Council Member Swanson stated that is correct, but noted that higher design standards cannot be enforced for an R-4 project. There was brief discussion about delegating certain approval decisions to the Planning Commission and staff rather than the City Council, with Mr. Call noting that the development agreement for this project will include language about the items that will need to be submitted to the City Council for approval, with all other items delegated to staff and the Planning Commission. Council Member Cevering stated that he is supportive of that type of language; he is supportive of moving in the direction of being business friendly rather than requiring all adjustments to be submitted to the Council for consideration.

Mr. Call reiterated that the development agreement is not recommended for approval tonight; the only matter before the Council is the MPC zone ordinance.

**Council Member Swanson motioned to approve the rezone to MPC, with the caveat that the Development Agreement delegates non-critical decisions to Planning Commission or staff. Council Member Turner seconded the motion.**

Council Member Cevering emphasized that he is not personally involved in this development and has no reason to recuse himself from discussing or voting on this action.



**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>

**The motion passed unanimously.**

Council Member Turner then excused himself from the meeting, but first thanked all candidates who sought election to City Council.

**6. PUBLIC WORKS SITE PETITION TO ANNEX PROPERTY LOCATED AT 165 E. LOMOND VIEW DRIVE**

A staff memo from City Recorder Spendlove 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 applicant, North Ogden City, has submitted an application to annex 6.54 acres of property at approximately 165 East Lomond View Drive. The North Ogden City Public Works facility occupies this land. In 2013 Weber County and North Ogden City approved an interlocal agreement granting the City land use authority while an annexation was being processed. The delay occurred because while a property dispute was negotiated between an adjoining property owner and the City. This has now been resolved and the annexation is ready to proceed. The adjacent properties to the north and south are residential. Properties to the east and west are a combination of residential and agricultural. The applicant is requesting RE-20 zoning. The Public Works facility is a permitted use in the RE-20 zone. The RE-20 standards were used in the Public Works Site plan approval process. The surrounding properties are zoned RE-20.

Staff will be bringing a new institutional zone in the future for city owned properties.

The memo discussed the application's conformance with the General Plan; the North Ogden General Plan Annexation Policy Declaration calls for this property to be annexed into North Ogden City. The property is within the Old Town Neighborhood. The General Plan map calls for this property to be developed as residential low density. The RE-20 zone is consistent with this designation.

The memo offered the following summary of

- Is the annexation and zoning proposal consistent with the General Plan?

The memo concluded the Planning Commission recommends that the City Council annex this property and apply the RE-20 zone.

Ms. Spendlove reviewed the staff memo and recommended support of the annexation of the property located at 165 E. Lomond View Drive.

a. **PUBLIC HEARING TO RECEIVE COMMENTS ON A PETITION TO CONSIDER ANNEXING PROPERTY**

**Mayor Chugg opened the public hearing at 7:44 p.m.**

There were no persons appearing to be heard.

**Council Member Swanson motioned to close public hearing. Council Member Cevering seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

The public hearing was closed at 7:44 p.m.

b. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE ANNEXING PROPERTY LOCATED AT 165 E. LOMOND VIEW DRIVE**

**Council Member Cevering motioned to approve Ordinance 2019-26 to annex the Public Works site located at 165 E Lomond View Drive. Council Member Swanson seconded the motion.**



**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

**7. DISCUSSION AND/OR ACTION TO CONSIDER A MEMBER FOR THE PUBLIC SAFETY BUILDING COMMITTEE.**

Mayor Chugg stated that he is recommending the creation of a Public Safety Building Committee and he recommends the following individuals be appointed.

M. Brent Chugg  
Dirk Quinney  
Clark Crowther  
Phillip Swanson  
Laura Barker  
Karen McIntosh  
Robert Bolar  
Tim Scott  
Jay Johnson  
Chad Roylance  
Gary Stoker  
Kevin Burns

Staff:

City Manager/Attorney Jon Call  
City Recorder Annette Spendlove

**Council Member Stoker motioned to approve the Police Building Committee as presented. Council Member Barker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

8. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE INTERLOCAL AGREEMENT FOR ENGINEERING SERVICES BETWEEN NORTH OGDEN CITY AND PLEASANT VIEW CITY.**

A staff memo from City Manager/Attorney Call explained Pleasant View and North Ogden City have been talking about the Engineering agreement and the work load and cost burden between the two agencies. During that discussion the administration believes it looks like the best solution would be to have Lorin come on to North Ogden full time and take over some of the additional project management tasks and other items which we are currently contracting out. The change of contract would terminate the split salary on December 31, 2019 so that the last half of the year we would have a full-time city engineer. The cost to the City would be an additional \$24,422 and we would propose that this money come from the general fund and utility funds as currently split between all the departments. We may need to bring back a budget amendment to accomplish this adjustment, but there may be enough money in the accounts to cover the additional expense.

**Council Member Swanson motioned to approve Resolution 10-2019 adopting the Interlocal Agreement A21-2019 for Engineering Services between North Ogden City and Pleasant View City. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Barker</b>	<b>aye</b>
<b>Council Member Cevering</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>

**The motion passed unanimously.**

9. **PUBLIC COMMENTS**

Kevin Burns thanked Mayor Chugg and the Council for the opportunity to serve on the Public Safety Building Committee. This project has been a long time coming for the City and he is excited to be part of it.

Julie Anderson, 940 E. 2600 N., stated that when she was participating with the General Plan Steering Committee and they were working on the Moderate-Income Housing Plan, she had the opportunity to look into mortgage programs for City employees. She learned that Ivory Homes has a plan that they have submitted to the legislators that provides for nice moderate-income homes with many amenities that would be made available to City employees, teachers, and public servants in general.



Dave Shupe, 3112 E. 400 N., Liberty, stated that he drives the North Ogden Pass to and from work each day as he is employed at the Coldwater Animal Hospital. He passes through construction areas on the City's hillside and has noticed the road is a mess; he suggested that Council Members drive that road to see what condition it is in. He hopes that it will be addressed before winter

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

Council Member Covering reported that North Ogden was recently named the seventh safest city in Utah, which is an improvement from number 14 last year. He offered kudos to the Police and Public Works Departments for their work they do in the community to make it possible for the City to achieve this recognition. He also thanked Public Works Director Espinoza for his responsiveness to a resident earlier today about the dog park. He then stated he has had several citizens approach him about the possibility of consolidating the different Facebook accounts that carry the City's name. He wondered if that may be possible now that elections have drawn to a close. Mr. Call stated that the City only has control over Facebook pages that it manages, such as the Police Department and Public Works Facebook pages. However, other private accounts that include the City's name, cannot be controlled by the City. The City did reach out to Facebook recently to ask that they make owners of those pages discontinue the use of the City's name. Facebook reached out to the individuals managing that page to request that they not represent themselves as a public entity and that has now been corrected. The City can reach out to other individuals to ask for their cooperation, but they cannot require them to change their page name.

Council Member Swanson asked for a future discussion among the Council and staff regarding the increases in recycling costs; it is necessary for the Council to understand the increases in order to communicate with their constituents regarding the manner in which their utility bills may increase if the City continues to operate a recycling program.

Mr. Call then reported the City's Christmas Party will be held December 10. He also reported that the City's Police Department and Public Works Department has been working to get public information out to the residents regarding the snow plowing program and ordinances regarding on-street parking during winter months. He thanked the Police Chief and Public Works Director for working together in that endeavor. He then stated the Parks Department has finished the landscaping at the skate park and it looks great. He also reported on the progress of the bathroom project at Lomond View Park; he hopes the building will be fully enclosed before winter weather hits.

Mayor Chugg congratulated those who were elected to the position of Mayor and City Council. He feels the City will be well represented in the coming two and four years.

11. ADJOURNMENT

Council Member Stoker motioned to adjourn the meeting. 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

The motion passed unanimously.

The meeting adjourned at 8:06 p.m.

  
M. Brent Chugg, Mayor

  
S. Annette Spendlove, MMC  
City Recorder

7 Jan 2020  
Date Approved