

**NORTH OGDEN CITY COUCIL MEETING
AND JOINT WORK SESSION WITH PLANNING COMMISSION
MEETING MINUTES**

June 2, 2020

The North Ogden City Council convened in an virtual meeting on June 2, 2020 at 6:00 p.m. <https://us02web.zoom.us/j/83983838691> or by telephone dial: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 with Webinar ID 839 8388 8691 or <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> . 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 May 28, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2019.

PRESENT: S. Neal Berube Mayor
 Ryan Barker Council Member
 Blake Cevering Council Member (arrived at 6:20 pm)
 Charlotte Ekstrom Council Member
 Cheryl Stoker Council Member
 Phillip Swanson Council Member

 Planning Commission:
 Eric Thomas Chairman (excused)
 Brandon Mason Vice-Chairman
 Lisa Arner Commissioner
 Scott Barker Commissioner
 Alan Lunt Commissioner
 Nicole Nancarrow Commissioner
 Don Waite Commissioner (excused)

STAFF PRESENT: Jon Call City Manager/Attorney
 Annette Spendlove City Recorder
 Rob Scott Planning Director
 Lorin Gardner City Engineer
 Kai Johnson Planning Technician
 Evan Nelson Finance Director

VISITORS: Jeanette SweetRick Scadden Rachelle Krohn
 Jay D. Dalpais Susan Clements Brenda Ashdown
 John Flitton Danny Wahl Kevin Burns
 Stephanie Casey

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

JOINT WORK SESSION

1. PUBLIC COMMENTS

Jeanette Sweet, 3587 Lakeview Drive, stated that she would like to explore options for deterring illegitimate solicitation in the City; this activity has increased dramatically over the past week, namely from an entity called Second Chances, LLC. Their message is full of lies and they are being very forceful and threatening to her neighbors. She posted on a community Facebook page about their activities and the post had 82 comments from other citizens who have had interactions with the LLC. She stated she contacted the City to see if the entity had secured the required permits from the City and learned they have not; she has reported the situation to the Police Department and she has found several fraud alerts about the group. She would like to see what can be done to address the issue and alleviate the concerns of the residents of this City.

City Manager/Attorney Call reported that the City's Police Chief has contacted a representative of the group and informed them they are not allowed to solicit in the City without proper licenses. This is not the only solicitation group that the City has had issues within the past, but staff is happy to evaluate the solicitation ordinance to determine if adjustments are appropriate. Mayor Berube asked Mr. Call to send the ordinance to the Council for their review as well. Council Member Swanson stated the greatest concern he is aware of is that the solicitors are being very aggressive with the people they are engaging with. Mayor Berube stated that he would like to work to address the problems as well.

Ms. Sweet stated that because of the aggressive nature of the solicitors, two of them were able to enter a home where two young girls were alone. This is very disturbing to her and this has been going on for years. The City's Police Officers need to have the ability to cite or jail these solicitors when they are behaving this way. Mayor Berube stated that the Council will consider these issues and confer with Mr. Call about appropriate adjustments.

2. DISCUSSION ON AN APPLICATION TO MODIFY THE COOPERS TOWNE PROJECT AT APPROXIMATELY 1550 NORTH WASHINGTON BOULEVARD FROM COMMERCIAL (CP-2) TO MASTER PLANNING COMMUNITY (MPC-CT).

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

legislative actions are general plan, zoning map, land use text amendments, and development agreements.

Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

On February 11, 2020, the City Council considered the application for the rezone for the Coopers Towne project. The City Council denied the project.

Since then the applicant has modified the original project and would like to receive feedback from the City Council and Planning Commission.

The applicant has submitted an overview letter and conceptual design to focus the discussion.

The following is a summary of the revision:

- A commercial component is proposed for buildings C and D.
- The building heights of the apartment buildings are limited to 3 stories.
- Look at adding living space above the Clubhouse.
- Possibly modifying the garage space as living space while still meeting the parking standards.
- Open space and amenities to remain the same.

The memo concluded staff recommends the City Council and Planning Commission conduct a discussion with the applicant and give direction on the project.

Mr. Scott reviewed his memo and focused on the summarized project revisions; he facilitated discussion among the group to solicit their feedback regarding the adjustments to the conceptual plan. Discussion centered on the City Council's concerns that led to denial of the previous application, including the fact that the zoning for the subject property was Master Planned Community (MPC), but the project that was proposed was entirely residential; safety and fire protection for four-story buildings; the amount of multi-family housing the City truly needs; and the negative impacts of changing commercially zoned property to residential.

Mayor Berube invited input from the applicant, Rick Scadden. Mr. Scadden provided the group with an update regarding his proposed project, which was initiated in 2017. The shift to three-store buildings is not an issue for him as he initially was not in favor of four-story buildings, but was encouraged to move in that direction. If building C is dedicated for 100 percent commercial use, it could be viable given that it will front Washington Boulevard. These changes decrease the total number of units to 132, which equates to 18 units per acre and complies with the density limitations for the MPC zone. Additionally, 14.5 percent of the property would be commercial. He referenced a

commercial market analysis conducted by commercial brokers in the area; at the time of the analysis, there were 1,101 commercial properties listed for lease or for sale in Weber County; of that 1,101 properties, 74 are located in North Ogden, Harrisville, Farr West, and Pleasant View. The absorption rate for all of Weber County in the previous 30 days was a result of 27 properties sold or leased, while 22 other properties were listed as newly available. Mr. Scadden stated he believes that additional commercial property will be a struggle to lease, but he is willing to add the commercial component to his design; he believes that with the right design and architecture, he can fill five to 10 percent of the project with a professional office use. Retail types of properties are harder to fill than residential and office space properties.

Planning Commission Vice Chairman Mason inquired as to Mr. Scadden's appetite for including the "Welcome to North Ogden" sign in his project. Mr. Scadden stated he is still willing to incorporate the sign in his project and has set aside a portion of his property for that purpose. He then stated he is willing to consider adjustments to the architectural design of the buildings in his project, specifically the pitch of the roof and the overall heights of the buildings. Mr. Scott stated that the Council has the ability to look at the overall design of a project and consider exceptions to the ordinance; however, he does not have a detailed enough plan to determine whether the adjusted dimensions and building heights conform with the ordinance.

Mayor Berube then invited public input.

Susan Clements, 668 E. 3125 N., stated that in previous discussions of this project, the Council had indicated they wanted to put a hold on multi-use projects until it is possible to determine the true need for additional projects. She agrees with that recommendation. She then wondered why there is a push for commercial use on the property rather than residential; there is significant commercial development in the area immediately surrounding the subject property and she is unsure of the need for additional commercial use. She noted that 25 years ago she lived in the area on 1400 North and when the Washington Mobile Estates project was built, they brought a lot of fill into the area to raise the elevation so it was not swampy. She stated that the water table on the property is concerning to her.

Mr. Scadden stated that there is a drain on the northwest corner of the property that drains directly into his property, flooding it; that drain will be incorporated into the storm drain infrastructure for his project and routed further west for proper drainage. The geotechnical studies indicate that a great amount of fill material will be needed on the site.

Mayor Berube asked Mr. Scadden if he is aware of absorption rates for residential units in this area. Mr. Scadden stated that his property management company has indicated that residential units are not being built fast enough to meet the demand; he anticipates securing 12 to 14 tenants per month as the project moves forward.

Discussion among the City Council and Planning Commission refocused on the adjustments that Mr. Scadden has made responsive to the public feedback and opposition to the project. Planning Commission Vice Chairman Mason noted that at least one comment was made in favor of the project; a Mr. Dave Hulme considers the subject property as currently being blighted and he is hopeful for this type of project as he feels it can make a positive contribution to the area. Vice Chairman Mason also expressed support for a "Welcome to North Ogden" sign. Continued discussion centered on the demand for this type of product in the community; Commissioner Waite commended Mr. Scadden for adjusting the project design, but expressed concern about the requirement to include commercial space in the project when there are already a great deal of commercial spaces in the immediate area that are not being rented. Commissioner Barker stated he has heard concerns about the ongoing maintenance of the project; given that the subject property is located at the City's entrance, it is necessary for it to be properly maintained so that it does not fall into disrepair. Vice Chairman Mason stated there is a negative stigma with high density housing, but he believes that it is possible to build a high-quality multi-family project that will have a nice appearance and contribute to the community. Commissioner Nancarrow agreed and applauded the applicant for his continued patience and willingness to adjust his plan responsive to the concerns that have been expressed by the public and the City Council. She feels this is the best project that the City could ask for on the subject property.

Council Member Ekstrom inquired as to where the parking area will be located for the commercial building that will front Washington Boulevard. Mr. Scott stated the buildings will front onto the street, but the parking area will be in the rear of the building. Council Member Ekstrom asked if building C will be entirely commercial, or only commercial on the ground floor with residential units above. Mr. Scadden stated his current design is for building C to be entirely commercial, but he could make the ground floors of the two buildings fronting Washington Boulevard commercial, with residential units on the upper floors. That would be similar to the design of The Junction project in Ogden City, for which there is a two-year waiting list for residential units. Council Member Ekstrom wondered if there is sufficient parking area for commercial uses. Mr. Scadden stated the design conforms with the requirements of the ordinance relative to parking, landscaping, and open space.

Council Member Swanson thanked Mr. Scadden for responding to the questions he sent via email. He then expressed support for the adjustments to the plan, but indicated he still has concerns about the potential for the City to be building too many housing units in too short a time period; he understands there is a housing shortage in the State of Utah, but it is possible to overbuild residential without sufficient commercial balance of adequate infrastructure. However, the need for affordable housing is a 'hot topic' in the State Legislature and it would be good to provide the amount of housing needed in the community before being required to do so as a result of a State mandate He concluded that he is happy that this project is being built by a North Ogden resident who has pride in the community and will not build a product that will detract from the area.

Discussion centered on the infrastructure improvements that are needed in the City to support the increase in residential growth, namely in high-density residential projects. Mr. Scadden stated that he understands that increased growth puts a burden on City infrastructure, such as public safety; however, he feels that the residents in this project will spend money in the City, which will generate increased tax revenue to be used for things like increasing staffing levels and retaining employees, namely those in the public safety realm.

Mayor Berube stated that he would like feedback from the Council regarding their willingness to consider an amended project application; it would be helpful to provide this information to Mr. Scadden before he spends additional money to adjust his design. The Council communicated their support for considering an adjusted project design based on the addition of a commercial component to the project and reducing the building heights of the residential buildings.

Council Member Cevering asked if Ogden City has given any indication of how they will respond to the application for a boundary adjustment for the project. Mr. Scadden stated that the boundary adjustment application was put on hold after the project applicant was denied by the North Ogden City Council; however, he believes they will act favorably on the boundary adjustment if North Ogden City Council gives conditional approval of the project.

Several Planning Commissioners then expressed support for the project design as communicated this evening; however, they indicated they cannot say they will definitely recommend approval until they see a formal application with the actual design adjustments. Council Member Swanson agreed it would be inappropriate to offer Mr. Scadden a guarantee that his amended project will be approved, but concluded that he feels both the Planning Commission and City Council are willing to consider the project. Mr. Scadden asked if there is anything he needs to adjust on his project before submitting a formal application to the City. Mayor Berube stated that the Council may support an adjustment to the building configuration for those buildings that include a commercial element; they may be supportive of a design that includes commercial on the ground level and residential on the upper levels. Council Member Ekstrom stated she wants to be sure there is adequate parking for the types of commercial businesses that will be attracted to locate in the project. Council Member Swanson stated his preference is for the building fronting Washington Boulevard to be 'all-commercial'; however, he trust Mr. Scadden and his partners to evaluate the market and create a design that is in demand. Planning Commission Vice-Chairman Mason agreed with Council Member Swanson and noted that he would be willing to consider an exception to the building height for the three-story buildings if the architectural design is aesthetically pleasing. Council Member Barker added that three-story buildings are better than four from a fire protection standpoint, but regardless of the number of stories, the City would need support from other agencies who have ladder trucks if it becomes necessary to fight a fire in this project. He stated he feels access to the site is adequate for fire protection.

3. **PUBLIC COMMENTS**

There were no public comments.

4. **COUNCIL/MAYOR/STAFF COMMENTS**

There were no additional comments.

5. **ADJOURNMENT**


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

Voting on the motion:

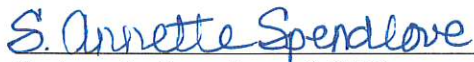
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|--------------------------------|------------|
| Council Member Barker | aye |
| Council Member Cevering | aye |
| Council Member Ekstrom | aye |
| Council Member Stoker | aye |
| Council Member Swanson | aye |

The motion passed unanimously.

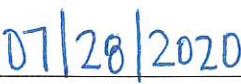
The meeting adjourned at 7:38 p.m.



S. Neal Berube, Mayor



S. Annette Spendlove, MMC
City Recorder



Date Approved