



**PLANNING COMMISSION MEETING
DECEMBER 02, 2020 AT 6:30 PM**

MEETING HELD VIRTUALLY ON ZOOM – PLEASE SEE BELOW

Please use the link to join the webinar: <https://us02web.zoom.us/j/84601912602> **Webinar ID:** 846 0191 2602
Or Telephone: 669 900 9128 or 253 215 8782 or 346 248 7799
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Welcome: Chairman Thomas

Invocation: Chairman Thomas

Pledge of Allegiance: Commissioner Barker

1. Roll Call
2. Minutes Consideration:
 - a. Consideration and action to approve the November 18, 2020, Planning Commission Meeting minutes
3. Opening Meeting Statement
4. Ex parte communications or conflicts of interest to disclose
5. Public comments for items not on the agenda*

LEGISLATIVE ITEMS***

6. ZTA 2018-03 Discussion and direction regarding flag lots in the Sensitive Lands Amendment to City Code
Presenter: Rob Scott, City Planner
7. Discussion regarding Streetscape
Presenter: Kai Johnsen, Planning Tech
8. Remarks - Planning Commissioners
9. Report - Planning Director
10. Remarks - City Manager/Attorney
11. Adjournment

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 25th day of November, 2020 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogdencity.com>, and faxed to the Standard Examiner. The 2020 meeting schedule was also provided to the Standard Examiner on December 22, 2019.

The Planning Commission at its discretion, may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Annette Spendlove, City Recorder, at 782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance and Council Policy, one or more Planning Commission Members may be connected via speakerphone.
S. Annette Spendlove, MMC, City Recorder

****Please see notes regarding Public Comments rules and procedure (Zoom Version)***

- a. Time is made available for anyone in the audience to address the Committee.
- b. When a member of the audience addresses the Committee they should have signed in with their full name to the Zoom meeting and they will state their name and address. **If they agree with the previous speaker then state the agreement to avoid repetitious remarks.**
- c. Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be forwarded to the Commission.
- d. Citizens will be asked to limit their remarks/questions to **three (3) minutes** each.
- e. The Chairman shall have discretion as to who will respond to a comment/question.
- f. In all cases the criteria for response will be that comments/questions must be pertinent to this Committee, that there are no argumentative questions and no personal attacks.
- g. The Chairman will inform a citizen when he or she has used the allotted time.
- h. Please silence your microphone.

*****LEGISLATIVE ITEMS:**

Legislative decisions have a wide degree of discretion. In legislative matters, the Planning Commission is acting as a recommending body to the City Council. In making a Legislative recommendation the Planning Commission is looking at long term goals and compatibilities identified in the general plan.

**NORTH OGDEN PLANNING COMMISSION
MEETING MINUTES
November 18, 2020**

The North Ogden Planning Commission convened in a regular meeting on November 18, 2020 at 6:31 p.m. in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Due to COVID-19 the meeting was held virtually on Zoom. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on October 12, 2020. Notice of the annual meeting schedule was published in the Standard-Examiner on December 22, 2020.

COMMISSIONERS:

Eric Thomas	Chairman
Brandon Mason	Vice-Chairman
Lisa Arner	Commissioner
Scott Barker	Commissioner
Alan Lunt	Commissioner
Nicole Nancarrow	Commissioner
Don Waite	Commissioner

STAFF:

Rob Scott	Planning Director
Lynne Bexell	Administrative Assistant
Jon Call	City Attorney/Administrator
Evan Nelson	Planning Department Head
Brandon Bell	Associate Planner
Kai Johnsen	Planning Tech
Julian Berg	Intern

VISITORS:

Terri McCulloch	Judie Ospital	Frank Eddy
Tony Spencer	Leishman	Mayor Berube
Brayden Youngberg	Scott & Nan	Alexis Riggs
Brenda Ashdown	Campbell	Phillip Swanson

REGULAR MEETING

Chairman Thomas called the meeting to order at 6:31 p.m. Vice Chairman Mason offered the invocation and Commissioner Arner led the Pledge of Allegiance.

1. **ROLL CALL**

Chairman Thomas conducted the roll and indicated all Planning Commissioners were present.

2. **MINUTES CONSIDERATION**

a. Consideration and action to approve the November 4, 2020, Planning Commission Meeting minutes

Vice Chairman Mason made a motion to approve the November 4, 2020, minutes as presented. Commissioner Barker seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.

3. **OPENING MEETING STATEMENT**

Chairman Thomas read the opening statement.

4. **EX PARTE COMMUNICATIONS OR CONFLICTS OF INTEREST TO DISCLOSE**

Vice Chairman Mason indicated he received a few phone calls from residents about a rezone item on the agenda tonight. There were no additional ex parte communications discussed or conflicts of interest disclosures made.

5. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

There were no public comments.

ADMINISTRATIVE ITEMS:

6. SPR 2019-02 CONSIDERATION AND ACTION REGARDING A LANDSCAPE PLAN FOR 7-ELEVEN AT VILLAGE AT PROMINENCE POINT LOCATED AT APPROX. 1700 N. 400 E.

PRESENTER: Rob Scott, Planning Director

A staff memo from Planning Director Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has limited discretion. Examples of administrative applications are conditional use permits, site plan reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

An application has been received to build a 7-Eleven convenience store at the northwest corner of 1700 North and Washington Boulevard.

The land use authority for commercial site plans in the VPP-MPC zone is the City Council with a recommendation from the Planning Commission. The CC considered and approved the site plan on October 13, 2020 with a condition that the PC review the landscape plan.

A Technical Review Committee meeting was held on August 12, 2019.

The applicant has submitted a refined site plan and landscape plan. A revised landscape plan based on this report will be presented at the Planning Commission meeting.

Attached is the building elevation exhibit for the Planning Commission's information.

A companion subdivision application is in process as a minor subdivision that will be a staff approval. The subdivision approval will consider public improvements, e.g., a requirement for the installation of the streetscape improvements (sidewalk, streetlights, and street trees) for both Washington Boulevard, 1700 North, and 385 East. A water line is also being extended along Washington Boulevard. A streetlight will also be required at the intersection of 385 East and 1700 North. The trail on 1700 North will be located on the south side. The north side sidewalk is required to be 4 feet in width.

Landscape Plan. (a revised plan will be ready at the PC meeting)

- The MPC zone requires a minimum of 20% landscaping. The site plan identifies that 20% of the site is in landscaping and open space.
- The plant materials are acceptable and provide a variety of trees, shrubs, and turf.
- The City Council requested trees be installed on the west to provide a buffer between the residential to the west and the 7-Eleven.
- The patio consists of a combination of landscaped area, 4 picnic tables and connections to the street side sidewalks.
- The patio is to have a combination of stamped concrete, possibly colored, with a geometric pattern that will provide an edge to the sidewalk. This will be presented at the meeting.
- The north side of the site will have landscaping installed on the adjoining property.

CONFORMANCE WITH THE GENERAL PLAN

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

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

Main Street Commercial – commercial or mixed-use commercial uses with a direct orientation to the street/sidewalk. These uses should have little or no setback from the public right of way.

Southtown Goals

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

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

Strategies

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

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

Strategies

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

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

- Is the landscape plan design consistent with the MPC zone and development agreement?
- Is the proposal consistent with the General Plan?

A summary of recommended conditions of approval is as follows:

- Approval subject to a subdivision plat being recorded for this property. The landscape plan will be incorporated into the site plan approval notice of decision.
- Subject to the TRC conditions.
- Some trees being added along 385 East.
- Submitting a patio design consisting of stamped concrete, possibly colored, with a geometric pattern.

The memo concluded staff recommends the Commission approve the attached landscape plan subject to this staff report, TRC conditions, and the approval of a subdivision plat. The landscape plan will be incorporated into the site plan notice of decision.

Mr. Scott reviewed his staff memo and also presented the landscape plan to orient the Commission to the various landscape features included therein. He stated that some adjustments will be made to the plan, but the updated version will not be available until tomorrow.

Vice Chairman Mason stated that he is concerned about some of the adjustments to the site plan since the Commission's last review, including building orientation and changes to the 'Welcome to North Ogden' sign. He is concerned that the Planning Commission no longer has ability to comment on or act upon the changes to the site plan.

Chairman Thomas invited input from the applicant.

Ryan Forsyth, 1835 South Highway 89, thanked the Commission for the time and effort they have spent on this project over the last several months. He has spent a great deal of time refining the design and has tried his hardest to accommodate everyone's desires for the project, including his client's desires. There are some constraints on the property that impact the layout and design that is possible, but he does think the project will be very nice. The City Council has requested that signage including the North Ogden logo be placed on the two faces of the building that face Washington Boulevard and 1700 North and that is why his signage has been adjusted. The two other monument signs will indicate the price of fuel at the 7-Eleven and they are commercial signs. He stated that he will work with other property owners to install trees on their property if required by the City. He stated that relative to the condition of approval regarding the patio design, he will likely pursue geometric patterns on the patio rather than stamped concrete because of the expected useful life of the stamped concrete and maintenance costs over the long term. He stated he understands the concerns of the Planning Commission relative to the changes that have been made to the site plan since their last review of the document, but he feels that everyone that has had input on the plan has the same overall goal of creating an inviting, warm, and unique building on the corner that can serve as a welcome to North Ogden feature.

Vice Chairman Mason stated that when the Planning Commission last reviewed the plan there was a heavy focus on creating two entrances to the building and Mr. Forsyth was very hesitant to that recommendation; however, after meeting with the City Council, that feature has been added and he asked how the Council convinced him to make that change was the Planning Commission was unable to do so. Mr. Forsyth stated that was a sticking point for the Council and 7-Eleven ultimately reversed their position and consented to a second entrance so that he would not lose the investment he has made into the project at this point. He added that 7-Eleven is pursuing new concepts that include a restaurant space on the interior and this building will two entrances that may make that type of layout more feasible. Vice Chairman Mason asked if 7-Eleven is comfortable with their building being branded with the North Ogden logo. Mr. Forsyth stated that 7-Eleven was willing to make a lot of concessions because of the amount of money he has spent on the project to this point. Vice Chairman Mason then stated that while the landscape plan is very nice, it will essentially prevent the City from moving forward with installation of a large 'Welcome to North Ogden' sign on the corner. Chairman Thomas stated he would like to accept public input before discussing the landscape plan in greater detail. City Manager/Attorney Call added that the monument sign has been planned for the property where the Coopers Towne project is slated to be built and the City will still pursue the sign at that location. For this subject property, the intent was to create a statement building that will signal to a motorist that they have arrived in North Ogden.

Chairman Thomas invited public input; he emphasized that comment should be specific to the landscape plan, not whether a 7-Eleven should be built in North Ogden.

There were no public comments.

Vice Chairman Mason then asked Mr. Forsyth to address his question about the monument sign. Mr. Forsyth stated that he was not unwilling to install the sign, but there were issues regarding where the sign would fit in observance of utility easements, preserving the sight triangle, and making the best use of space. He also learned that the large monument sign was slated to be installed further to the south and that made him more comfortable with the decision to not include it in his project.

Commissioner Nancarrow made a motion to approve application SPR 2019-02, modified landscape plan for 7-Eleven at Village at Prominence Point, located at approximately 1700 N. 400 E., based on the findings and subject to the conditions listed in the staff report, and with the additional condition to delegate to staff the ability to work with the developer regarding the materials to be used in the patio area and to consider an updated landscape plan. Commissioner Barker seconded the motion.

Vice Chairman Mason noted that a meeting attendee used the Zoom chat feature to indicate they believe the project will be a nice addition to the City.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.

Vice Chairman Mason stated that while he expressed concerns earlier in the meeting, he believes the project will be very nice and will contribute positively to the City. He stated he likes the addition of a second entrance and that makes him feel better about not having the welcome sign at the project site.

**7. SPR 2020-10 CONSIDERATION AND ACTION REGARDING THE SITE PLAN FOR MOUNTAIN VIEW PARK LOCATED AT APPROX, 875 E. 3300 N.
PRESENTER: JULIAN BERG, INTERN**

A staff memo from Intern Berg explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has a limited degree of discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

The applicant is requesting a zone change for the property located approximately at 875 East 3300 North from Residential R-1-10 to the Civic Zone. The property has frontage on both 3200 North on the south and 3300 North on the north side of the property. The property is bordered by residential properties to the East and West. The current zoning ordinance lists the property as Residential R-1-10. Exhibit A shows the site plan and Attachment A, to Exhibit B illustrates the proposed change in zoning.

In accordance with zoning ordinance amendment 2020-15 adopted July 14, 2020, the city is actively seeking to redefine civic land use. The property is being rezoned to comply with the standards defined in ordinance title 11-7L.

This report first addresses the rezone application and the second addresses the site plan standards.

REZONE ANALYSIS

CONFORMANCE WITH THE GENERAL PLAN

The proposed zoning adjustment meets the requirements of applicable North Ogden zoning ordinances and conforms to the North Ogden City General Plan. The General Plan map identifies this property as a park which is a permitted use for civic zone under the zoning amendment 2020-15.

ZONING AND LAND USE POLICY

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.
Staff Comment: The Mountain View Park boundary is distinguished from neighboring properties with existing fencing on the west and east edges of the property and roadways to the north and south.
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.
Staff Comment: The civic zone is compatible with the park use.
- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.
Staff Comment: The public land use of this property distinguishes itself and is compatible with the surrounding private residential properties.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.
Staff Comment: The proposed zoning boundary does not cut across individual lot lines. The proposed zoning boundary would conform to the existing property boundaries.

Site Plan

The following site plan standards for the Civic Zone are addressed below. Mountain View Park has a wide variety of uses including family and neighborhood events and recreational sports, as well as sledding in the winter. This park is used as the starting position for North Ogden's glow in the dark trail run as well as other activities.

11-7L-1 PURPOSE AND INTENT.

The civic zone is specifically intended to regulate civic uses within the city. This zone identifies the standards for public land and structures that are developed and set aside for the use and benefit of the public.

Staff Comment: The Mountain View Park Property is currently set aside for the use and benefit of the public

11-7L-2: PERMITTED USES.

Accessory building and use customarily incidental to any permitted use. Cemetery, Civic Buildings, Civic Complexes, Public Park, public recreation grounds, and associated buildings. Public Utility substation or water storage reservoir developed by a public agency subject to 11-10-15

Staff Comment: Parks are a permitted use in the Civic zone.

11-7L-3: SITE DEVELOPMENT STANDARDS.

The following standards reflect minimums; however, the variety of civic uses have unique circumstances and needs. The Planning Commission may approve alternative standards based upon unique circumstances while taking into account the need for appropriate buffering with adjacent properties.

A. Minimum Lot Area: No Minimum lot area.

B. Minimum Lot Width: No Minimum lot width, however, frontage access on a public street is required.

C. Minimum Yard Setbacks for Structures: 1. Front: Twenty feet (20'). 2. Side: Ten feet (10') feet, or as approved by the Planning Commission when adjacent to a residential boundary. 3. Rear: Twenty feet (20').

D. Building Height: 1. Minimum: One story. 2. Maximum: Two and one-half (21 stories or thirty-five feet (35') or as approved by the Planning Commission.

E. Open Space: Civic Building 20%, Public Parks 50%, or as approved by the Planning Commission.

Staff Comment: Existing property conditions meet all site development standards.

11-7L-4: SITE PLAN APPROVAL.

For any permitted uses a site plan shall be required in accordance with CCNO 11-26. Uses for each site plan will be identified.

Staff Comment: The site plan is included (Exhibit A).

11-7L-5: AMENDMENTS

A. Minor Changes: All development shall conform to the final plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Director if the change is consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improve or equivalent quality of materials or design Any changes that exceed 5% of the project area or are deemed materially significant by the Planning Director shall require an amendment to the site plan. Examples of a minor change are the relocation of a use on the site. Changes to any of the following shall require a modified site plan review and approval by the Planning Commission.

1. A change in the use or character of the development;

2. A change in character of approved open space;

3. A reduction of required off street parking.

Staff Comment: There are no proposed development amendments.

11-7L-6: SIGN REGULATIONS

A comprehensive sign plan shall be submitted and approved for each civic facility. A comprehensive sign plan shall include the location size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation, of all proposed signs for the civic use, either permanent or temporary. The comprehensive sign plan shall be approved by the Planning Commission as part of the site plan approval.

Staff Comment: Existing Park signage indicated on site plan. No new signage proposed.

11-7L-7: FENCE REGULATIONS

Uses within the Civic zone are subject to 11-10-11. A fencing plan shall be included with the site plan and approved by the Planning Commission.

Staff Comment: The existing fencing is shown in site plan

11-7L-8: EXTERIOR LIGHTING

Uses within the Civic zone are subject to 11-10-13 (Exterior Lighting)

Staff Comment: Existing exterior lighting is shown on the site plan. There are two lighting fixtures, one south of the playground and the other south of the pavilion, both are fluorescent and downward facing and do not penetrate onto any adjacent residential properties. The pavilion has lighting that is available to users who reserve the pavilion for activities. Additionally, there are two streetlights, one on the north and the other on the south end of the park that only illuminate the street.

11-7L-9: TRASH ENCLOSURES

Uses within the Civic zone are subject to 11-10-25 (Trash Enclosures). Civic uses may use standard pickup service in lieu of a trash enclosure.

Staff Comment: Parks and Recreation are responsible for trash management. Trash receptacles are placed in the pavilion March-October and emptied and transported to off-site dumpsters regularly. Between November-February the trash receptacles are removed and trash is managed as “pack in-pack out” by park users.

11-7-10: PARKING

Uses within the Civic zone are subject to 11-17 (Parking and Loading; Traffic Access). The number of required parking stalls shall be approved by the Planning Commission as part of the site plan review approval process.

Staff Comment: Existing parking stalls and parking areas are identified on the site plan. See 11-17-4F below.

11-17-4 F. SCHEDULE OF REQUIRED OFF STREET SPACES

Staff Comment: The property has onsite parking lots on both north and south ends of the property. In total the property has 94 stalls in 3 different parking lots. In addition, there is additional street side parking.

11-10-15: PUBLIC UTILITY SUBSTATION

Staff Comment: Not applicable.

11-26-7: DEVELOPMENT PLAN

Staff Comment: The above analysis addresses the standards found in 11-26-7.

The memo offered the following summary of Planning Commission considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded staff recommends the Commission conduct the public hearing and receive public comment; consider the General Plan rezoning guidelines; and make a recommendation to the City Council. Staff recommends approval of the rezone from R-1-10 to Civic Zone (C) The Planning Commission can find that the application is consistent with the General Plan. Additionally, staff recommends approval of the site plan as presented subject to the City Council approving the rezone.

Mr. Berg reviewed his staff memo.

Chairman Thomas stated that it should be noted that this application does not contemplate any changes to the park space; rather, this action is for the site plan for the park and the next item is a simple zone change from R-1-10 to Civic Zone. Mr. Berg stated that is correct.

Chairman Thomas invited public input.

A meeting participant (no name given) used the Zoom chat feature to ask if there will be any changes made to the current park layout. Chairman Thomas answered no and reiterated no changes will be made.

Commissioner Barker asked Chairman Thomas to discuss the benefits and purpose of the Civic Zone for those that are unfamiliar with it. Chairman Thomas stated that he will discuss that during the next agenda item.

Vice Chairman Mason made a motion to approve application SPR 2020-10, site plan for Mountain View Park, located at approximately 875 E. 3300 N., based on the findings and subject to the conditions listed in the staff report. Commissioner Lunt seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.

LEGISLATIVE ITEMS:

- 8. ZMA 2020-06 PUBLIC HEARING, CONSIDERATION, AND RECOMMENDATION REGARDING REZONING MOUNTAIN VIEW PARK LOCATED AT APPROX. 875 E 3300 N FROM RESIDENTIAL (R-1-10) TO CIVIC (C).**
PRESENTER: JULIAN BERG, INTERN

A staff memo from Intern Berg 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 is requesting a zone change for the property located approximately at 875 East 3300 North from Residential R-1-10 to the Civic Zone. The property has frontage on both 3200 North on the south and 3300 North on the north side of the property. The property is bordered by residential properties to the East and West. The current zoning ordinance lists the property as Residential R-1-10. Exhibit A shows the site plan and Attachment A, to Exhibit B illustrates the proposed change in zoning.

In accordance with zoning ordinance amendment 2020-15 adopted July 14, 2020, the city is actively seeking to redefine civic land use. The property is being rezoned to comply with the standards defined in ordinance title 11-7L.

This report first addresses the rezone application and the second addresses the site plan standards.

REZONE ANALYSIS

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General Guidelines:

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Staff Comment: The Mountain View Park boundary is distinguished from neighboring properties with existing fencing on the west and east edges of the property and roadways to the north and south.
- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.
Staff Comment: The civic zone is compatible with the park use.
- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.
Staff Comment: The public land use of this property distinguishes itself and is compatible with the surrounding private residential properties.
- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff Comment: The proposed zoning boundary does not cut across individual lot lines. The proposed zoning boundary would conform to the existing property boundaries.

Site Plan

The following site plan standards for the Civic Zone are addressed below. Mountain View Park has a wide variety of uses including family and neighborhood events and recreational sports, as well as sledding in the winter. This park is used as the starting position for North Ogden's glow in the dark trail run as well as other activities.

11-7L-1 PURPOSE AND INTENT.

The civic zone is specifically intended to regulate civic uses within the city. This zone identifies the standards for public land and structures that are developed and set aside for the use and benefit of the public.

Staff Comment: The Mountain View Park Property is currently set aside for the use and benefit of the public

11-7L-2: PERMITTED USES.

Accessory building and use customarily incidental to any permitted use. Cemetery, Civic Buildings, Civic Complexes, Public Park, public recreation grounds, and associated buildings. Public Utility substation or water storage reservoir developed by a public agency subject to 11-10-15

Staff Comment: Parks are a permitted use in the Civic zone.

11-7L-3: SITE DEVELOPMENT STANDARDS.

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C. Minimum Yard Setbacks for Structures: 1. Front: Twenty feet (20'). 2. Side: Ten feet (10') feet, or as approved by the Planning Commission when adjacent to a residential boundary. 3. Rear: Twenty feet (20').

D. Building Height: 1. Minimum: One story. 2. Maximum: Two and one-half (21 stories or thirty-five feet (35') or as approved by the Planning Commission.

E. Open Space: Civic Building 20%, Public Parks 50%, or as approved by the Planning Commission.

Staff Comment: Existing property conditions meet all site development standards.

11-7L-4: SITE PLAN APPROVAL.

For any permitted uses a site plan shall be required in accordance with CCNO 11-26. Uses for each site plan will be identified.

Staff Comment: The site plan is included (Exhibit A).

11-7L-5: AMENDMENTS

A. Minor Changes: All development shall conform to the final plan. Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Director if the change is consistent with the intent of the original approval, so long as such changes do not constitute more than 5% of the original project area. Any changes shall be approved only if the modifications include improve or equivalent quality of materials or design Any changes that exceed 5% of the project area or are deemed materially significant

by the Planning Director shall require an amendment to the site plan. Examples of a minor change are the relocation of a use on the site. Changes to any of the following shall require a modified site plan review and approval by the Planning Commission.

1. A change in the use or character of the development;
2. A change in character of approved open space;
3. A reduction of required off street parking.

Staff Comment: There are no proposed development amendments.

11-7L-6: SIGN REGULATIONS

A comprehensive sign plan shall be submitted and approved for each civic facility. A comprehensive sign plan shall include the location size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation, of all proposed signs for the civic use, either permanent or temporary. The comprehensive sign plan shall be approved by the Planning Commission as part of the site plan approval.

Staff Comment: Existing Park signage indicated on site plan. No new signage proposed.

11-7L-7: FENCE REGULATIONS

Uses within the Civic zone are subject to 11-10-11. A fencing plan shall be included with the site plan and approved by the Planning Commission.

Staff Comment: The existing fencing is shown in site plan

11-7L-8: EXTERIOR LIGHTING

Uses within the Civic zone are subject to 11-10-13 (Exterior Lighting)

Staff Comment: Existing exterior lighting is shown on the site plan. There are two lighting fixtures, one south of the playground and the other south of the pavilion, both are fluorescent and downward facing and do not penetrate onto any adjacent residential properties. The pavilion has lighting that is available to users who reserve the pavilion for activities. Additionally, there are two streetlights, one on the north and the other on the south end of the park that only illuminate the street.

11-7L-9: TRASH ENCLOSURES

Uses within the Civic zone are subject to 11-10-25 (Trash Enclosures). Civic uses may use standard pickup service in lieu of a trash enclosure.

Staff Comment: Parks and Recreation are responsible for trash management. Trash receptacles are placed in the pavilion March-October and emptied and transported to off-site dumpsters regularly. Between November-February the trash receptacles are removed and trash is managed as “pack in-pack out” by park users.

11-7-10: PARKING

Uses within the Civic zone are subject to 11-17 (Parking and Loading; Traffic Access). The number of required parking stalls shall be approved by the Planning Commission as part of the site plan review approval process.

Staff Comment: Existing parking stalls and parking areas are identified on the site plan. See 11-17-4F below.

11-17-4 F. SCHEDULE OF REQUIRED OFF STREET SPACES

Staff Comment: The property has onsite parking lots on both north and south ends of the property. In total the property has 94 stalls in 3 different parking lots. In addition, there is additional street side parking.

11-10-15: PUBLIC UTILITY SUBSTATION

Staff Comment: Not applicable.

11-26-7: DEVELOPMENT PLAN

Staff Comment: The above analysis addresses the standards found in 11-26-7.

The memo offered the following summary of Planning Commission considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded staff recommends the Commission conduct the public hearing and receive public comment; consider the General Plan rezoning guidelines; and make a recommendation to the City Council. Staff recommends approval of the rezone from R-1-10 to Civic Zone (C) The Planning Commission can find that the application is consistent with the General Plan. Additionally, staff recommends approval of the site plan as presented subject to the City Council approving the rezone.

Mr. Berg reviewed his staff memo. He reviewed the zoning map for the City and indicated that assignment of the Civic Zone will make it easier to differentiate park space from traditional residential space.

Vice Chairman Mason asked if the Planning Commission will be hearing other zone changes for other City owned properties and parks in the near future. Mr. Berg stated the timing of the zone changes for each of the City's parks will be determined by Planning Director Scott.

Commissioner Barker asked that it be clearly stated that assignment of the Civic Zone to a City property does not mean that the City can easily make changes to a park or other City facility without transparency in the site plan amendment process. Vice Chairman Mason stated that he feels that this step in the process will actually increase transparency and force the City to follow the same development approval process that private property owners and developers are forced to follow.

a. Public Hearing

Chairman Thomas opened the public hearing at 7:27 p.m.

Tony Spencer used the aid of the Zoom chat feature to ask about the advantages of changing the zoning and whether there are any disadvantages.

Frank Eddy, 847 E. 3200 N., stated that he lives to the southwest of the subject property. He thanked the Commission for the clarification provided regarding the intent of the zone change; his question is in regard to the zoning law itself and whether assignment of the Civic Zone will change the public's ability to use the park freely. He asked if additional restrictions will be placed on the public's access to the park and allowed uses at the space.

Chairman Thomas stated that the use of the property will not change due to the assignment of the Civic Zone.

Phil Swanson, 857 E. 3250 N., stated he also lives near the park and he thanked the Commission for their consideration of this item. He loves the Civic Zone and looks forward to the assignment of the zone to other parks in the City to provide clear delineation between residential and civic properties.

Chairman Thomas then addressed Mr. Spencer's question; he referenced Mr. Swanson's comment that assignment of the Civic Zone provides for clear delineation of park properties and the potential uses of those properties. He stated he is not sure there are any disadvantages.

Vice Chairman Mason added an additional advantage is that assignment of the zone will require the City to follow a public process if they choose to change the use of or layout of a property. The same will apply to other City properties that will eventually receive the Civic Zone assignment. City Manager/Attorney Call added that the site development standards for the Civic Zone are somewhat more restrictive than the R-1-10 zone; building setbacks, for example, are greater in the Civic Zone than in residential zones and that is intended to provide protection for abutting property owners relative to any future changes on a City owned property.

There were no additional persons appearing to be heard.

Commissioner Nancarrow made a motion to close the public hearing. Vice Chairman Mason seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.

The public hearing was closed at 7:33 p.m.

b. Consideration and Recommendation

Commissioner Nancarrow made a motion to forward a positive recommendation to the City Council regarding application ZMA 2020-06, rezoning Mountain View Park, located at approximately 875 E. 3300 N., from Residential (R-1-10) to Civic (C). Commissioner Waite seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.

**9. ZTA 2018-03 DISCUSSION AND DIRECTION REGARDING FLAG LOT OPTIONS
WHEN CREATING A SENSITIVE LANDS CHAPTER IN THE CITY CODE
PRESENTER: ROB SCOTT, PLANNING DIRECTOR**

Planning Director Scott provided renderings and diagrams of examples of how a flag lot could be developed and what it would look like in the City's Sensitive Lands areas. Based upon his research of ordinances used in other cities, he believes it would be appropriate for the ordinance regarding this issue to indicate that in order for a flag lot to be permitted, the Planning Commission would need to make a findings that due to topographic issues and sensitive land concerns, and where streets can and should not be extended, flag lots would be appropriate. Additionally, it would be important to differentiate a private drive from a lane for the purposes of defining the access road to the flag lot. He then discussed topics such as ensuring proper public safety access for flag lots, maximum building heights, setbacks, maximum building size, and appropriate slopes/grades of flag lots. All of these design standards would be intended to reduce the impact a home on a flag lot would have on its surroundings. Finally, the width of the lane to the lot would vary based upon the length of the lane. He asked for direction from the Commission regarding whether to proceed with drafting an ordinance for them to consider regarding the allowance of flag lots.

Vice Chairman Mason stated he remains opposed to allowing flag lots; it will be very difficult to craft an ordinance allowing flag lots that would not be abused. He would only support flag lots on very large parcels to reduce the impact of a flag-lot-home on its surroundings. Chairman Thomas agreed, but noted that larger lots are required in the hillside protection and sensitive lands areas, and he may be comfortable with flag lots there. Mr. Scott stated the minimum lot size would be contingent upon the slope of the property; the smallest lot size upon which flag lots would be allowed could be defined in the ordinance.

The Commission then engaged in philosophical discussion about whether to allow flag lots in the sensitive lands areas of the City and the types of standards and regulations that could be included in the ordinance to prevent the potential for abuse. The Commission indicated they would not like to consider flag lots in any of the R zones, but allowing flag lots may be a good tool to provide in Hillside Protection residential zones.

Mr. Scott stated he will take the input provided by the Commission to craft language regarding lot standards and regulations if the Commission chooses to proceed with consideration of allowing flag lots in sensitive lands.

10. REMARKS FROM PLANNING COMMISSIONERS:

Vice Chairman Mason stated that if it is possible, it may be better to try to group all Civic Zone changes for City parks at one time. For the rezone that was discussed tonight, when the City placed a large sign in the park to publicly advertise that the zone change was to be considered, that generated a lot of public interest. He stated the anticipates the same will be true for future parks and it may be more efficient to consider all of them at the same time. Chairman Thomas stated that the only difficulty may be considering the site plan at the same time as the zone change and it may be appropriate to consider the zone changes in one meeting and the site plans in another. City Manager/Attorney Call stated that staff wanted to pursue a single zone

change first to give Administration the opportunity to evaluate the process and determine if any changes should be made for future Civic Zone issues. He stated that there are a total of 12 parks to be rezoned and staff has discussed breaking that into three or four smaller groups. Mr. Scott added that there are other facilities besides parks that will need to be rezoned to Civic Zone and some of those already have approved site plans in place. Vice Chairman Mason stated he is comfortable with whatever course of action staff chooses.

Commissioner Barker referenced a property on 2600 North where a home is being added upon and he is unsure that the home complies with City ordinances and regulations such as elevations and setbacks. Mr. Scott asked that Commissioner Barker provide him with the exact address of the home and he will have it inspected.

11. REPORT FROM PLANNING DIRECTOR:

Mr. Scott reported on the status of the project to update the City's land use code; staff and the consultants have identified a series of policy questions and he would like to schedule a joint work session with the Council and Commission to discuss those policy issues.

12. REMARKS FROM CITY MANAGER/ATTORNEY:

There were no additional remarks.

13. ADJOURNMENT

Commissioner Lunt made a motion to adjourn the meeting. Commissioner Arner seconded the motion.

Voting on the motion:

Chairman Thomas	aye
Vice Chairman Mason	aye
Commissioner Arner	aye
Commissioner Barker	aye
Commissioner Lunt	aye
Commissioner Nancarrow	aye
Commissioner Waite	aye

The motion carried.

The meeting adjourned at 8:01pm

Planning Commission Chair

Administrative Assistant

Date approved

DRAFT

OPENING MEETING STATEMENT (ZOOM VERSION)

Before each agenda item begins City staff will give a report. After the staff report, the item will be opened for other speakers. The applicant will speak first and be allowed up to 10 minutes. Following the applicant, any other interested person will be allowed to speak for up to 3 minutes. The applicant has final rebuttal time of up to 5 minutes.

Any materials that are displayed or referenced, e.g., pictures or written materials are part of the record and must be forwarded to the Commission.

Speakers are required to have registered their full name on Zoom and will state their name and address before beginning their remarks. If you agree with a previous speaker then state your agreement to avoid repetitious remarks.

Speakers shall address all comments to the Planning Commission.

Please silence your microphone until ready to speak.



Staff Report to the North Ogden City Planning Commission

SYNOPSIS/APPLICATION INFORMATION

Application Request: Discussion, consideration, and direction on a legislative amendment to include a flag lot provision in the Sensitive Lands Overlay chapter

Agenda Date: December 2, 2020

Applicant: North Ogden City

File Number: ZTA 2018-03

PUBLIC NOTICE:

Mailed Notice: None

Newspaper: None

City Website: November 25, 2020

STAFF INFORMATION

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rscott@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-1-4 (Changes and Amendments)

North Ogden Zoning Ordinance Title 11-25 (Development Constraints)

North Ogden Zoning Ordinance Title 11-27 (Sensitive Lands)

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The Planning Commission first discussed this amendment on August 19, 2020. The Planning Commission on November 18, 2020 discussed potential standards for the allowance of flag lots as part of the Sensitive Lands Overlay amendment. Flag lots would only be allowed for properties that are in the overlay area.

Staff has written a draft flag lot provision. (See below and Exhibit A)

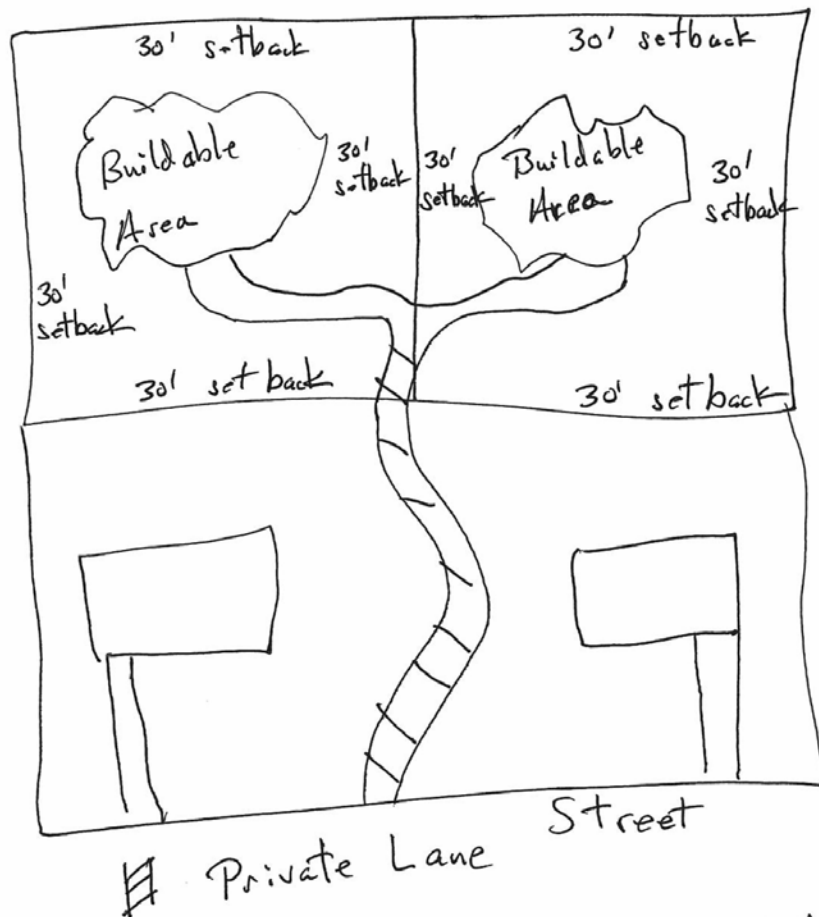
The following summary identifies the list of potential standards if flag lots were to be allowed:

11-27-4 DENSITY, LOT SIZE, WIDTH AND CHARACTERISTICS

6. A flag lot may be approved by the planning commission after determining that due to topographic conditions, sensitive land concerns, or other requirements of this chapter, streets cannot or should not be extended to access substantial buildable areas that would otherwise comply with the minimum lot standards of the underlying zone, subject to compliance with all of the following conditions:
 - a. Only one single-family dwelling may be constructed as a main use on a flag lot. Accessory buildings are subject to the standards for the underlying zone and subsection h.

- b. The minimum lot area shall be one (1) acre, exclusive of the private access lane.
- c. No more than two (2) flag lots may be contiguous to each other and abut upon the same public street. Two (2) adjoining flag lots may share a common private lane.
- d. The private lane accessing a flag lot shall be held either in fee title as part of the flag lot, or the private lane may be evidenced by a recorded express, irrevocable easement as shown on the recorded subdivision plat. across the front lot. The form and content of the easement agreement must be acceptable to and approved by the city attorney.
- e. Any lots that have a lane crossing or adjoining them to access a flag lot must be increased in area and width equal to the lane area and width.
- f. The private lane accessing a flag lot shall front on a dedicated public street and shall not exceed one hundred fifty feet (150') in length from the public street to the front lot line of the flag lot. Private lanes up to a maximum length of one hundred feet (100') accessing a flag lot shall include a paved driveway that is at least twelve feet (12') wide and a landscaped buffer that is at least four feet (4') wide on both sides of the outside boundary of the paved driveway for a minimum of 20 feet. Private lanes up to a maximum length of one hundred fifty feet (150') accessing a flag lot shall include a paved driveway that is at least twenty feet (20') wide and a landscaped buffer that is at least four feet (4') wide on both sides of the outside boundary of the paved driveway for a minimum of 28 feet. The buffer is provided to help screen adjacent properties and to provide a drainage area for the paved portion of the private lane.
- g. The private lane may be configured to be a serpentine design that follows existing contours, minimizes cuts and fill, and vegetation as per 11-24. The lane shall not exceed a 10% grade.
- h. The main body of a flag lot, exclusive of the private lane accessing it, shall meet the required lot area, lot width, and front, back, and side yard requirements for the zone in which it is located including the enhanced lot area requirement describe in subsection h, whichever is greater, and all other applicable provisions of this code. The area of the private lane accessing the flag lot may not be included to compute the required minimum area of the main body of the flag lot.
- i. The setbacks for flag lots shall be as follows:
 - 1. Front: 30 feet.
 - 2. Sides: 30 feet on each side.
 - 3. Rear: 30 feet.
- j. Maximum height. The maximum height of any structure on a flag lots shall be 25 feet.
- j. The private lane accessing a flag lot also is subject to approval by the North View Fire Marshall. Such approval may include a requirement of a designated turnaround area conforming to the fire authority's design and construction standards. Structural permeable surfaces are encouraged in designated fire turnaround areas, subject to the fire marshal's approval.
- k. The address of the flag lot dwelling shall be clearly visible from or posted at the abutting public street.

Flag Lots - 1 Acre Minimum



100' Lane Length - 12' width
with 1 Flag lot - 2(4') buffers

101-150' Lane length - 20' width
with 1-2 flag lots - 2(4') buffers

CONFORMANCE WITH THE GENERAL PLAN

The General Plan identifies physical hazards for development in the Environmental Chapter along with appropriate goals and strategies starting on page 62. The Housing Chapter related goals and strategies are found starting on page 22.

Environmental

Goals

- Protect sensitive lands within the existing and future City boundaries.
- Protect the water quality of existing wetlands, springs, streams, ponds, and aquifers.

Goal #1 - Protect sensitive lands within the existing and future City boundaries

Strategies

- Continue to use the land use approach found in the Hillside Protection zones to incentivize developers to avoid sensitive lands.
- Reduce and avoid impacts on sensitive lands. Sensitive lands include: wetlands, riparian corridors, steep slopes, land slide runway areas, avalanche paths, and others.
- Establish preserved natural areas within the City and along the mountains.
- Proactively reassess potential sensitive land impacts at least every 5 years.
- Maintain existing landslide debris catchment basins.
- Create and reinforce use of rigorous disclosure statements for all property and home sales so buyers are aware of potential dangers. Add these to the Hillside Protection chapters of the Zoning Ordinance.
- Work with developers to dedicate open space natural areas, especially those that are sensitive and not developable such as riparian areas, drainages, rock outcroppings, steep slopes, avalanche prone areas, mud slide prone areas, wetlands, etc.

Housing

Goal #1 – Increase Housing Quality and Variety

- Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

Strategies

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

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Should a flag lot provision be included in the sensitive land overlay amendment?
- What standards should apply to a flag lot provision?
- Is the amendment consistent with the General Plan?

RECOMMENDATION

Conduct a discussion of the draft flag lot standards to the Sensitive Lands Overlay amendment. Give direction as to whether or not a flag lots should be allowed in the overlay and identify the appropriate standards. If the Planning Commission desires to have a flag lot provision it will be incorporated into the

appropriate section of the Sensitive Lands Overlay amendment.

EXHIBITS

A. Amendment

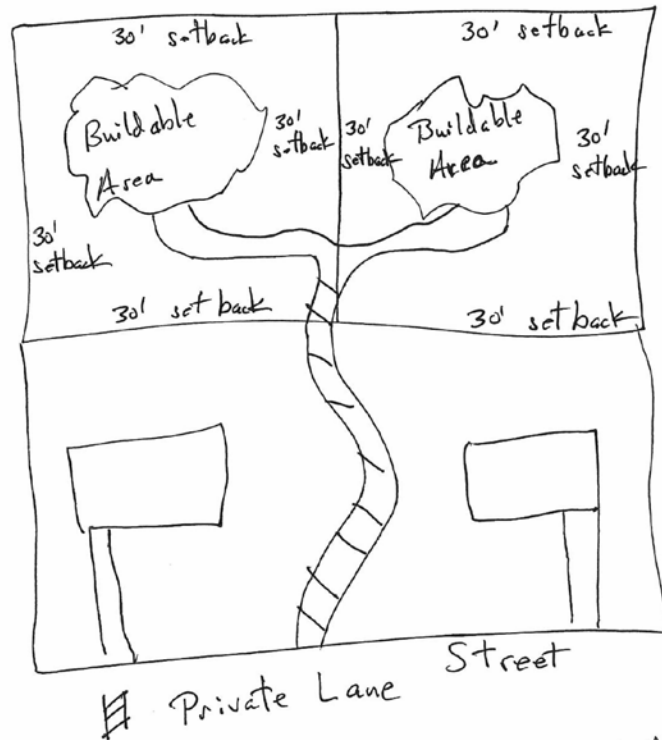
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