

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

December 4, 2013

The North Ogden Planning Commission convened in a regular meeting on December 4, 2013 at 6:30pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. 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 November 27, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Eric Thomas	Chairman
Joan Brown	Commissioner
Blake Knight	Commissioner
Steve Quinney	Commissioner
Dee Russell	Commissioner

STAFF:

Craig Barker	Community Development Director
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder

EXCUSED:

Don Waite	Vice-Chairman
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VISITORS:

Brandon McDougal	Mike Carter	Vickie Vanderhave	Brock Mortensen
Zach Hartmann	Julianne Hartmann	Henry Hartmann	Suzanne Hartmann
Sherry Gould			

REGULAR MEETING

Chairman Thomas called the regular meeting to order at 6:30pm. Commissioner Quinney offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE OCTOBER 16, 2013 PLANNING COMMISSION MINUTES.**
2. **CONSIDERATION TO APPROVE THE NOVEMBER 6, 2013 PLANNING COMMISSION MINUTES.**
3. **CONSIDERATION TO APPROVE THE NOVEMBER 20, 2013 PLANNING COMMISSION MINUTES.**

Commissioner Brown made a motion to approve the consent agenda. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

ACTIVE AGENDA

1. **PUBLIC COMMENTS.**

There were no public comments.

2. **CONSIDERATION AND/OR RECOMMENDATION TO AMEND THE ZONING ORDINANCE TO ALLOW AN ACCESSORY DWELLING UNIT IN THE RESIDENTIAL RE-20 ZONE.**

A staff memo from Community Development Director Craig Barker explained staff has prepared a revised draft of an ordinance which provides rationale and standards for an Accessory Dwelling Unit to be built on an existing lot or parcel that presently has a principal dwelling unit on it. The revisions were determined from the Planning Commission's direction at the November 6, 2013 meeting.

Mr. Barker reviewed his staff memo and provided a brief history of the subject of the proposed ordinance. He then reviewed the changes to the proposed ordinance since the last Planning Commission review and stated he feels the Planning Commission could take action on the ordinance this evening and forward it to the City Council for final consideration. He stated he needs some direction from the Planning Commission regarding the maximum floor area of the accessory dwelling unit. He stated some jurisdictions restrict the maximum floor area to 800

square feet and noted that he would recommend that language be added to the ordinance to dictate that no accessory dwelling unit be larger than the primary dwelling unit. A short discussion regarding the maximum floor area ensued and the conclusion was that the maximum floor area could be no larger than the above ground existing living space of the primary dwelling unit. Chairman Thomas noted that existing living space does not include a garage. Mr. Barker continued his review of the remainder of the proposed ordinance.

Commissioner Knight stated the only question he has is relative to the requirement for a hard surface drive way to access the accessory structure. He asked if bc millings would fall under the definition of hard surface. Building Official Kerr stated the City Engineer will need to make that determination.

Chairman Thomas asked if the proposed ordinance needs to address the materials used on the exterior of the accessory dwelling. He asked if the materials must comply with any restrictive covenants that may be in place in a given subdivision. Mr. Barker stated that stands to reason, but language can be added to the ordinance if necessary. Commissioner Brown stated that she feels the language should be added. Mr. Barker stated the City does not enforce standards called out in covenants, conditions, and restrictions (CC&Rs) documents recorded against a specific subdivision. Commissioner Quinney stated most subdivisions have a set of CC&Rs. Mr. Barker stated that is correct, but the City does not review or enforce them. Chairman Thomas stated the City would not need to enforce the CC&Rs, but the ordinance may remind a property owner that they must comply with the CC&Rs that were in place for their primary structure. Mr. Barker stated he can discuss that issue with the City Attorney.

Commissioner Knight made a motion to recommend the City Council amend the zoning ordinance to allow an accessory dwelling unit in the residential RE-20 zone, with the following amendments:

- **Replace the word “intended” with “encouraged” in Section 2, the definition of Accessory Dwelling Unit.**
- **Dictate that the maximum floor area will not exceed the above ground living space of the primary dwelling.**

Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

3. CONSIDERATION TO APPROVE A BOUNDARY LINE ADJUSTMENT FOR 715 E 2100 N.

A staff memo from Community Development Director Barker explained this proposal is to divide an existing parcel of approximately 3.6 acres into two pieces with the new parcel on the south to be transferred to an abutting property owner. The north parcel (1.191 acres) will remain in the Hunt ownership and the south parcel consisting of 2.422 acres will be transferred to the south abutting owner. Utah State Law allows this to happen with the acknowledgement of the City. The survey will need to be recorded at the Weber County Recorder's Office along with the approval document from the City. This item is before the Planning Commission for their consideration.

Mr. Barker reviewed his staff memo. He reviewed an aerial photograph to identify the location to which the boundary line will be relocated. He provided a brief synopsis of the entire process that must be followed in order to record an approved boundary line adjustment.

Commissioner Knight asked if an island parcel would be created if the property owner to the south decided against participating in the boundary line adjustment. Mr. Barker answered yes and stated that would become a violation of the City's subdivision regulations. Commissioner Knight asked if the boundary line adjustment should be approved on the contingency that the subject property is merged with the property directly to the south. Mr. Barker answered yes and noted documentation of that merger would need to be provided before the boundary line adjustment could be recorded.

Commissioner Russell made a motion to approve a boundary line adjustment for 715 E 2100 N contingent upon the merger of the subject property with the property located immediately to the south. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

4. CONSIDERATION TO APPROVE A CONDITIONAL USE PERMIT FOR A POLE SIGN AT THE SMITH'S MARKETPLACE, LOCATED AT APPROXIMATELY 2500 N 400 E.

A memo from Community Development Director Barker explained Smith's Marketplace will install a new 20ft high pole sign, which is a Conditional Use in the Commercial Zone. The City Standards allow for a pole sign which is 20ft in height and supported by double supports clad with materials coordinated with the building materials used on the main use of the site, in this

case, the new Smith's Marketplace building. The sign location may be an issue because the present ordinance states that the sign needs to be 30 feet from a residential zone and it doesn't appear to meet that requirement. The sign area allowed is 75 square feet, which this sign meets. The base area of the sign needs to be done with the appropriate use of annuals, perennials, shrubs and trees with a ration of four square feet for every foot of sign width; in this instance, 52 square feet.

Mr. Barker reviewed his staff memo.

Commissioner Russell asked if both signs will face the same direction. Mr. Barker stated both signs will face east and west and they will be perpendicular to Washington Boulevard. He added the developer will be required to landscape the area beneath the signs and he noted that is included in the overall landscaping plan for the site.

Commissioner Knight stated the location of one of the signs could impact one of the access points at the development and he asked if a traffic study was conducted for the project. Mr. Barker stated the traffic patterns will be similar to those at the nearby Wal-Mart store; there will be one lane in, one lane out, and a turning pocket lane. He stated the traffic patterns in the area of the existing credit union were evaluated and it may be necessary to add new signage to circulate the traffic associated with that business; patrons should be notified that they can come in using the entrance to the credit union, but they cannot get out in the same manner. He stated that is not part of this application because the credit union is not part of the Smith's Marketplace project. There was a brief discussion about the traffic patterns and parking configuration associated with the credit union and Mr. Barker stated that may be discussed in the future independent of the Smith's Marketplace project.

Commissioner Brown stated that at one point in time Subway was considering moving to a different parcel of property that fronted Washington Boulevard; the move would open up their current location to allow for improvements to the ingress and egress points for the overall development. She asked if Subway may still consider that move. Mr. Barker stated he did not believe they would consider moving and he noted he does not feel improvements or expansion of the ingress and egress point is necessary.

The discussion refocused on the application and Mr. Barker identified the proposed locations of the two new signs. He noted the existing Smith's sign will be removed.

Commissioner Brown stated she has no concerns about the proposed signs and noted that the design is very nice. She added, however, that there have been signs in the past that have been approved with similar high expectations and those expectations were never met. She stated she expects Smith's Marketplace to meet the City's expectations.

Chairman Thomas invited public comment from the audience regarding the application.

Vickie Vanderhave, President and CEO of Weber State Credit Union, stated she is excited to have Smith's Marketplace behind her business and that was the original plan when the credit union purchased their property nearly four years ago. She added her only concern about the sign

is relative to the style in that it might block the credit union signage and it may become necessary to change the configuration of the signage to provide the credit union with more visibility. She stated other than that issue, she is very much in favor of the overall development. She stated she has met with the engineer for the Smith's Marketplace project and discussed the plans for the entryway and the improvements that Smith's may want to make on the credit union property to ensure that landscaping on both sides of the access are compatible. She stated she simply wants to ensure that the credit union still has adequate visibility.

Commissioner Russell asked if the credit union has been contacted about relocating their sign. Ms. Vanderhave answered no and stated she was under the understanding that the City has signage restrictions that would prohibit this type of sign and that is why the credit union opted for such a small sign. Mr. Barker stated the credit union was subject to the prior signage ordinance, which has since been changed and allows different types of signage. Ms. Vanderhave stated she may pursue new signage because her current signage is ineffective and not as visible as she would like. She reiterated she wants to ensure visibility of her signage regardless of the sign that is approved for Smith's.

Commissioner Russell moved to approve a conditional use permit for two pole signs at the Smith's Marketplace, located at approximately 2500 N 400 E. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

5. CONSIDERATION TO APPROVE THE FINAL DEVELOPMENT PLAN FOR SMITH'S MARKETPLACE, LOCATED AT APPROXIMATELY 2500 N 400 E.

A staff memo from Community Development Director Barker explained this development was originally presented to the North Ogden Planning Commission for Preliminary Development Plan approval on August 7, 2013 and to the City Council on August 27, 2013. This process is unique to the City's Planned Commercial Zone. After both the Planning Commission and City Council have reviewed and approved the Preliminary Development Plan, the Final Development Plan is created which incorporates the changes, additions, etc. from these two prior meetings.

A review of the minutes of these meetings provided the developers with the necessary changes to the plan as well as other issues the Planning Commission desired the developer to address. The issues identified by staff are:

- Review the entrance on the south to evaluate the turning movements needed to access the credit union to the north of the entrance.

- Evaluate the handicap parking needs to ensure adequate parking locations and number.
- Provide a color and materials board for the project.
- Evaluate the trail safety issue at the rear of the old building complex to ensure pedestrian safety as the trail is accessed at its north end on this project.
- Determine where the project fencing will be to meet the ordinance requirements.
- Review the northerly access configuration to promote traffic flow.
- Determine the project access potential to the south and work with IHC regarding this.
- Review width of south access and traffic flow.
- Determine rear access width and speed control.
- Show areas of required stamped, exposed aggregate or colored pavers for walkways as per ordinance requirements of 20%.
- Obtain variance for building height which exceeds city height standards.

Once the Planning Commission reviews these with the developer the Final Development Plan should be approved.

Mr. Barker reviewed his staff memo. He also reviewed several renderings associated with the Final Development Plan. He noted the developer has addressed each bullet point in the staff memo and he provided an explanation of how the items have been addressed.

Commissioner Quinney inquired as to the width of the residential property located behind the project. Mr. Barker stated it is 60 feet in width and there will likely be a City-initiated rezone request for the strip of property and it will be zoned commercial so it is compatible with the other properties in the area. He stated there will be a structure on the property associated with the storm water detention facility for the area that will be utilized by Smith's and IHC. Mr. Barker then continued his review of the bulleted items in the staff memo and concluded that staff recommends approval of the Final Development Plan.

Brandon McDougal, Great Basin Engineering, stated he wanted to point out a couple of things relative to the Plan. He referenced the bullet point dealing with handicapped parking at the development and stated that they will add two additional stalls to address staff concerns. He then referenced the bullet point regarding the speeding concern behind the existing Smith's store. He noted that due to the positioning of the curb behind the store, it is not possible for someone to make a 'straight shot'. Commissioner Russell added there is also a speed hump in the alleyway. Mr. McDougal stated that is correct and noted the situation will be monitored.

Commissioner Quinney made a motion to approve the Final Development Plan for Smith's Marketplace, located at approximately 2500 N 400 E, as presented, with the requirement that the Plan comply with the City Engineer's Report, items eight through 12. Commissioner Russell seconded the motion.

Mr. McDougal stated that he met with the City Manager today and the City has considered making changes to the storm drainage requirements for the project. Chairman Thomas stated storm drainage is addressed prior to item eight in the Engineer's Report.

Mr. Barker asked Mr. McDougal where the dumpsters will be located on the property. Mr. McDougal stated there is a completely enclosed trash compactor on the dock on the south side of the building.

Voting on the motion:

Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

6. DISCUSSION ON LENGTH OF TIME FOR CAMPAIGN SIGNS TO BE UP FOR AND AFTER AN ELECTION.

Mr. Barker stated that the City Code does not currently include language regarding how far in advance of an election a candidate can place campaign signs. He stated some cities do include language regarding that issue while other cities do not address it. He suggested that City Administration be consulted about the issue if the Planning Commission wishes to proceed with considering such restrictions.

Commissioner Brown stated she feels it is unreasonable for candidates to begin placing their signs six months prior to an election and she would be in favor of continuing the discussion in order to allow representatives of the City Administration to participate.

Commissioner Quinney stated the City Code does not differentiate between the Primary and General Elections. He stated that candidates erected their signs prior to the Primary Election and they were never taken down. A general discussion regarding potential changes to the City Code relative to campaign signs ensued and Commissioner Knight stated he did not feel the City could dictate the length of time that a sign can be placed prior to an election. He stated he feels something can be done regarding the length of time signs can be left in place after an election. Commissioner Brown stated that is not an issue. Commissioner Quinney stated it is an issue between the Primary and General Elections. Commissioner Knight stated he would like to hear from the City Attorney before making a recommendation to the City Council. He stated he is concerned about differentiating between municipal, county, state, and federal elections.

Chairman Thomas stated Vice-Chairman Waite sent an email regarding this issue in which he stated he felt all candidates would welcome a limit so that they did not have to worry about being “one-upped” by their opponent. He stated Vice-Chairman Waite felt six weeks prior to an election is a sufficient length of time.

Mr. Barker stated the item can be added to a future meeting agenda and the City Attorney will be invited to participate in the discussion.

7. PUBLIC COMMENTS.

There were no public comments.

8. PLANNING COMMISSION/STAFF COMMENTS.

Chairman Thomas asked if there are items available for the agenda for the next regularly scheduled Planning Commission meeting. Mr. Barker answered yes and noted there are a sufficient number of items to hold a meeting.

9. ADJOURNMENT.

Commissioner Brown made a motion to adjourn the meeting. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Quinney	yes
Commissioner Russell	yes

The motion passed.

The meeting adjourned at 7:49 p.m.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved