

## NORTH OGDEN PLANNING COMMISSION

### MEETING MINUTES

January 15, 2014

The North Ogden Planning Commission convened in a regular meeting on January 15, 2014 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 January 10, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

#### COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Joan Brown	Commissioner
Blake Knight	Commissioner

#### STAFF:

Ron Chandler	City Manager
Gary Kerr	Building Official
Rob Scott	City Planner
Stacie Cain	Community Dev. Coord./Deputy City Recorder

#### EXCUSED:

Dee Russell	Commissioner
-------------	--------------

#### VISITORS:

Cindy Crosha

#### REGULAR MEETING

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

#### CONSENT AGENDA

A staff memo explained the following conditional use permits require annual review and renewal.

- A dog kennel for Sherry Chandler at 505 E. 1700 N.
- A dog kennel for Shelly Fuentes at 2650 N. 200 E.
- A dog kennel for Carolyn Eckstrom at 1890 N. Mountain Rd.
- A dance studio for Jennifer Marsh at 325 E 2000 N.
- A preschool for between 9 and 12 children for Helen Mickelson at 3129 N 425 E.
- A preschool for between 9 and 12 children for Lisa Lewis at 3629 N 275 E.
- A childcare center allowing up to 12 children for Kari Holiday at 943 E 2800 N.
- An auto repair shop for Lynn Humphries at 3088 N 100 E.

Staff is not aware of any complaints regarding any of these conditional uses.

1. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DOG KENNEL FOR SHERRY CHANDLER, LOCATED AT 505 EAST 1700 NORTH.**
2. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DOG KENNEL FOR SHELLY FUENTES, LOCATED AT 2650 NORTH 200 EAST.**
3. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DOG KENNEL FOR CAROLYN ECKSTROM, LOCATED AT 1890 NORTH MOUNTAIN ROAD.**
4. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A DANCE STUDIO FOR JENNIFER MARSH, LOCATED AT 325 EAST 2000 NORTH.**
5. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A PRESCHOOL ALLOWING 12 CHILDREN FOR HELEN MICKELSON, LOCATED AT 3129 NORTH 425 EAST STREET.**
6. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A PRESCHOOL ALLOWING 12 CHILDREN FOR LISA LEWIS, LOCATED AT 3629 NORTH 275 EAST STREET.**
7. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR A CHILDCARE ALLOWING 12 CHILDREN FOR KARI HOLIDAY, LOCATED AT 943 EAST 2800 NORTH STREET.**
8. **APPROVAL TO RENEW THE CONDITIONAL USE PERMIT FOR AN AUTO REPAIR SHOP FOR LYNN HUMPHRIES, LOCATED AT 3088 NORTH 100 EAST.**
9. **CONSIDERATION TO APPROVE THE DECEMBER 4, 2013 PLANNING COMMISSION MEETING MINUTES.**
10. **CONSIDERATION TO APPROVE THE DECEMBER 18, 2013 PLANNING COMMISSION MEETING MINUTES.**

Commissioner Waite made a motion to approve the consent agenda. Chairman Thomas seconded the motion.

**Voting on the motion:**

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes

The motion passed.

**ACTIVE AGENDA**

**1. CONSIDERATION TO ELECT A CHAIRMAN AND VICE-CHAIRMAN OF THE PLANNING COMMISSION.**

The North Ogden City Zoning Ordinance requires the Planning Commission to elect a Chairperson and Vice-Chairperson annually, which is normally done at the first meeting of the year.

The Chairperson and Vice-Chairperson can be elected by voice nomination or staff can provide paper for a silent nomination.

Commissioner Brown made a motion to continue with current Planning Commission leadership. Commissioner Knight seconded the motion.

**Voting on the motion:**

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes

The motion passed.

**2. PUBLIC COMMENTS.**

There were no public comments.

**3. CONSIDERATION TO APPROVE A CONDITIONAL USE PERMIT FOR A MODEL HOME, LOCATED AT 186 W COUNTRY BOY DR.**

A staff memo from City Planner Rob Scott explained the applicant is requesting the approval of a Conditional Use Permit for a model home sales office as part of the Mystery Meadows subdivision. The request for a conditional use must be the following criteria:

**11-14-1: PURPOSE AND INTENT:**

The purpose and intent of conditional uses permits is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are designed, laid out and constructed on the proposed site in a particular manner. (Ord. 2002-07, 5-28-2002)

A conditional use shall be approved if reasonable conditions are proposed, or can be proposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonable anticipated effects of a proposed conditional use cannot be mitigated by the proposal of the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied. (Ord. 2006-08, 9-5-2006)

**11-14-5: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:**

The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:

- A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community.
- B. Such use will not, under the circumstances of the particular case and the condition imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property and improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures.
- C. The proposed use will comply with the regulations and conditions specified in this title for such use.
- D. The proposed use conforms to the goals, policies and governing principles of the master plan for the city. (Ord. 2002-07, 5-28-2002)

**11-10-20: MODEL HOMES, MASTER PLANNED VILLAGE SALES AND INFORMATION CENTERS, AND TEMPORARY SALES TRAILERS:**

A. Model Homes: Model homes may be permitted in a residential area by conditional use permit only. In the review for a model home, the planning commission, and if necessary, the city council, may consider lighting, landscaping, hours of operation, signage, parking, duration and neighborhood impact. As a minimum, the following standards shall apply:

- 1. On site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a model home be open before seven o'clock (7:00) A.M. or after nine o'clock (9:00) P.M.
- 2. The model home shall be for the purpose of initial marketing of houses within the subdivision where the model home is located. A model home may not be used as an office for the marketing

of property in the subdivision that was previously sold, or the marketing of property outside of the subdivision. (Ord. 2002-05, 4-9-2002)

3. An off street parking stall for each person stationed on site, plus two (2) spaces shall be provided. Parking lots for model homes may be located on an adjacent lot owned by the owner of the model home. (Ord. 2002-05, 4-9-2002; amd. 2006 Code)

The applicant has indicated that the hours of operation will be Monday – Friday from 11am to 7pm and Saturday from 10am to 7pm. There will be a three car garage and driveway pad for parking.

The above described application conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards.

The memo proposed the following Planning Commission considerations:

- Does the proposed use meet the requirements of the applicable City Ordinances?
- Are there any potentially detrimental effects that need to be mitigated by imposing conditions of approval; and if so, what are the appropriate conditions?
- In order for a conditional use to be approved it must meet the requirements of Chapter 11-14 (Conditional Uses), specifically, Section 11-14-5 (Basis for Issuance of Conditional Use Permit) and Chapter 11-10-20 (Model Homes Sales and Information Centers). Has the applicant demonstrated compliance with the appropriate ordinances?

The memo concluded Staff recommends approval of this application. The above described application has been reviewed and found to be in compliance with all applicable North Ogden City Zoning Regulations.

Mr. Scott summarized his staff memo.

Chairman Thomas referenced parking requirements for the use and asked if the entire driveway of the model home is counted towards those requirements. Mr. Scott stated the model home has a three car garage so there are three parking stalls available there.

Vice Chairman Waite stated that it appears construction of the model home has already commenced and he asked what would happen if the CUP is not approved. Mr. Scott stated the structure will eventually be converted to and sold as a home.

Cindy Crosha, 1604 N 225 W, Harrisville, stated she received notification of this issue and when she read the address she was not sure of the exact location because construction of the home has already commenced. Mr. Scott highlighted the location of the subject property on a plat map and there was a brief discussion regarding the property and its identifying features. There was also a discussion about the location of Ms. Crosha's property in proximity to the subject property.

**Commissioner Knight made a motion to approve a conditional use permit for a model home located at 186 West Country Boy Drive. Commissioner Brown seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	yes
<b>Vice-Chairman Waite</b>	yes
<b>Commissioner Brown</b>	yes
<b>Commissioner Knight</b>	yes

**The motion passed.**

**4. DISCUSSION TO AMEND TITLE 11 – ZONING REGULATIONS CONCERNING HEIGHTS OF BUILDINGS.**

A staff memo from City Manager Ron Chandler and Building Official Gary Kerr explained the City code defines the building height measurement as follows:

“BUILDING, HEIGHT OF: The vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the building height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade.” 11-2-1

As we discussed during the last meeting, we have found it difficult to apply this definition to the building plans we receive. The following are examples of building measurement.

1. Measured from the street grade. Possible language = the allowable height shall be measured as the vertical distance from the finished street grade to the highest point of the structure. This works particularly well on lots without slopes.

2. Measurement on sloped sites.

Option A – average slope under the building. Possible language = the height of the building is measured as the vertical distance from the average level of the ground under the building to the allowed number of feet above the parallel to the finished grade. The average level of ground is determined by adding the elevations of the highest and lowest foundation points of the building and dividing by two (2) (the midpoint of the foundation).

Option B – average slope of the lot. Possible language = the height of the building is measured as the vertical distance from the average level of the lot to the allowed number of feet above the parallel to the grade. The average level of ground is determined by adding the elevations of the highest and lowest points of the lot and dividing by two (2) (the midpoint of the foundation).

Both of these scenarios can have a maximum building height.

3. Measure from the lowest point of the grade under the foundation. Possible language = the height of the building is measured as the vertical distance from the lowest level of the ground under the building to the allowed number of feet.

4. Measure from the highest point of the grade under the foundation. Possible language = the height of the building is measured as the vertical distance from the highest level of the ground under the building to the allowed number of feet.

The Planning Commission packet included examples of these types of measurement and staff asked that the Planning Commission consider some exceptions to the height regulations. Currently, staff measures to the highest point of a building. Some common exceptions include chimneys (residential only), belfries, spires, church steeples, radio and microwave towers, parapet walls, false mansards and flagpoles.

Mr. Chandler and Mr. Kerr used the aid of a PowerPoint presentation to review the staff memo and provide photographs of many homes and buildings throughout the City to illustrate the measurement methods included in the staff memo. Mr. Chandler stated it is possible to include several measurement standards in the North Ogden City Code due to the several grade and elevation changes throughout the City. General discussion regarding various measurement practices ensued between the Planning Commission and staff.

Chairman Thomas stated his main concern is what the City's purpose in establishing a building height restriction and answering that question may help to determine the appropriate measurement practice to be used by the City. Commissioner Knight stating he feels a height restriction is needed to prevent houses of great varying heights from being located next to one another; he referenced examples in other cities where there could potentially be a four-story height difference between neighboring homes. Mr. Chandler added the purpose in establishing a building height could be defined by the Planning Commission based on the appearance of neighborhoods they feel is best for the City. He added he spoke to the Fire Department and in the past they have preferred a building height of no more than 35 feet, but that was due to the fact that the City did not own a ladder truck; that is no longer the case and it would be possible for the Fire Department to fight a fire in a building taller than 35 feet. General discussion regarding height restrictions continued with Commissioner Knight stated he feels the building height of the front of a home should be no taller than two-stories. Mr. Chandler continued to review photographs containing examples of varying building heights on neighboring properties.

Chairman Thomas stated he is concerned about passing an ordinance that many existing homes would not comply with.

Commissioner Knight referenced varying slopes and grades throughout the City and noted if a home is built on a lot with a steep slope and it is built too low on that lot, there could potentially be safety issues in the future due to the creation of a very steep grade requiring a tall retaining or rock wall in the rear yard of the property. Mr. Chandler agreed, but added certain slopes would require the homeowner to construct a professionally engineered retaining wall in their rear yard.

Mr. Chandler then concluded that staff is looking for direction regarding how to proceed in drafting language regarding the practice of measuring a building height. He stated he would like to move forward with a change to the ordinance to exempt building features such as steeples and parapets from the building measurement consideration. General discussion regarding the issue continued with a focus on building heights for commercial structures versus residential structures. Mr. Chandler stated he will consider the discussion this evening and provide a draft ordinance including two or three different options for the Planning Commission to consider. He added he will provide an additional ordinance exempting building features such as steeples and parapets from the building measurement regulations.

Commissioner Knight stated he feels it is important for neighborhoods to be aesthetically pleasing and blend into their surroundings; that has been accomplished in the Olympus Cove development. Commissioner Brown agreed.

#### **5. PUBLIC COMMENTS.**

There were no public comments.

#### **6. PLANNING COMMISSION/STAFF COMMENTS.**

Mr. Chandler provided a brief report regarding the City Council's action on the Planning Commissions recommended ordinance dealing with accessory dwelling units in the RE-20 zone. He noted the item is being referred back to the Planning Commission for additional consideration regarding animal keeping on a one-acre lot in the RE-20 zone that has two dwelling units. He stated the item will be added to the next Planning Commission agenda for consideration.

Chairman Thomas welcomes Mr. Scott as the City's new City Planner and asked him to provide the Planning Commission with a brief synopsis of his background. Mr. Scott stated he has been involved in planning for 40 years with various government agencies, most recently in the Weber County Planning Department for the last six years. He stated he has had a great career. He noted he and his wife live in Washington Terrace and have four children and three grandchildren. He concluded he is pleased to be working for North Ogden City. He briefly reviewed the schedule of hours he plans to work for the City. There was a discussion regarding the format of staff reports that will be provided by Mr. Scott for future agenda items.

Commissioner Brown stated she recently found out that Syracuse City has a post office in their City Hall building; it is a room within the building that handles all types of mail though they do not maintain regular post office hours. She stated she would like to pursue the option of including a post office in a City facility if that is an option. She added she has spoken to Mr. Kerr about the issue.

**7. ADJOURNMENT.**

**Commissioner Brown made a motion to adjourn the meeting. Vice-Chairman Waite seconded the motion.**

**Voting on the motion:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Vice-Chairman Waite</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>

**The motion passed.**

The meeting adjourned at 7:29 p.m.

---

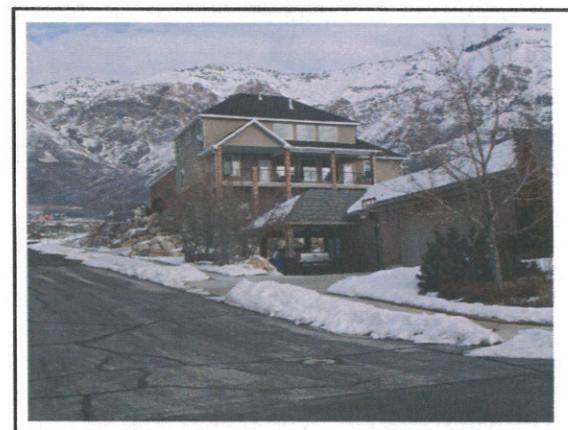
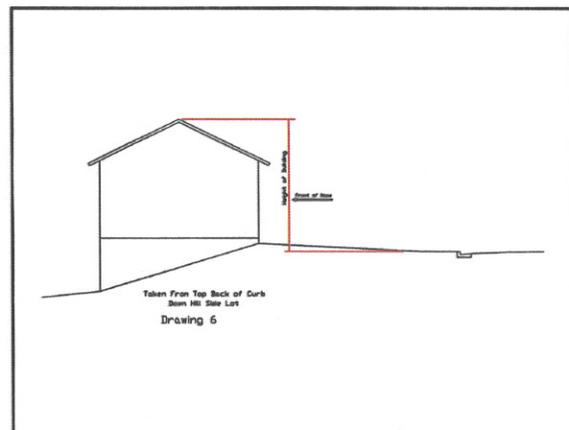
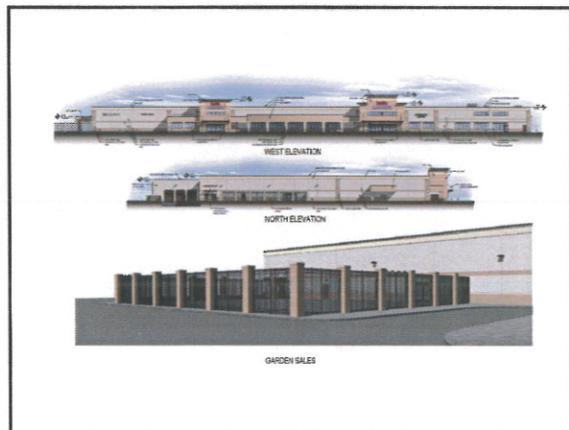
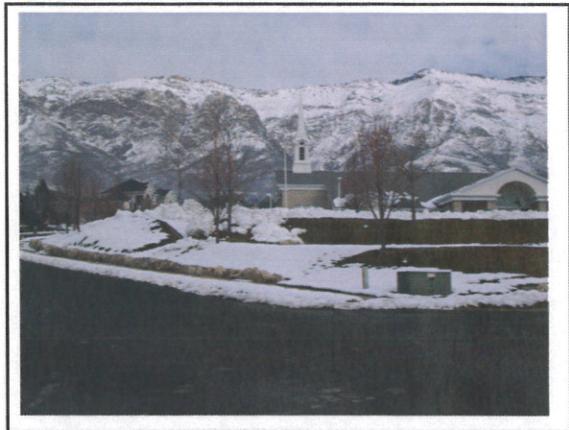
Planning Commission Chair

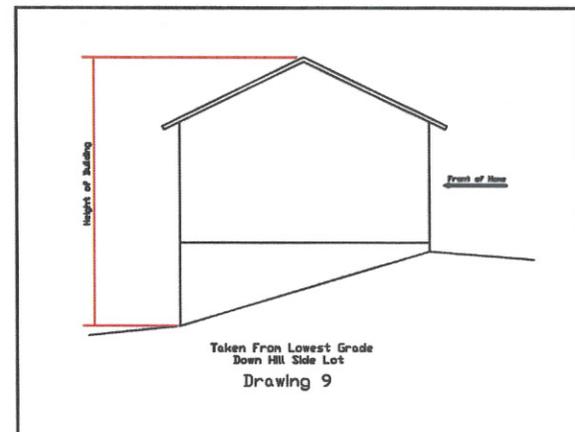
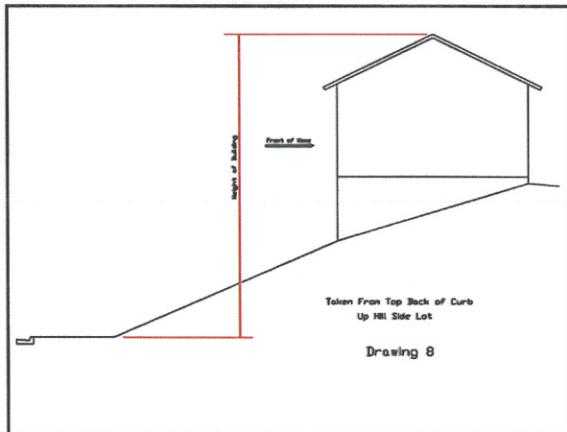
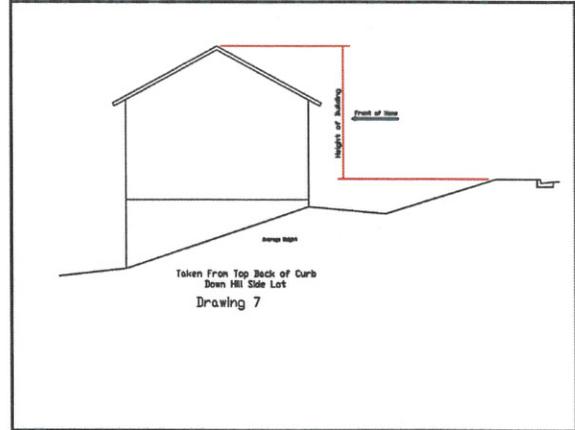
---

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

---

Date approved





1/30/2014

