

# NORTH OGDEN PLANNING COMMISSION

## MEETING MINUTES

February 5, 2014

The North Ogden Planning Commission convened in a regular meeting on February 5, 2014 at 6:30 pm 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 February 4, 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
Dee Russell	Commissioner
Phillip Swanson	Commissioner

### STAFF:

Ron Chandler	City Manager
Jon Call	City Attorney
Matt Hartvigsen	City Engineer
Matthew Godfrey	<a href="http://bettercities.us">bettercities.us</a>
Gary Kerr	Building Official
Rob Scott	City Planner
Stacie Cain	Community Dev. Coord./Deputy City Recorder

### EXCUSED:

Blake Knight	Commissioner
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### VISITORS:

Dave Hulme	Troy Herold	Ranel Reed	Steve Reed
Zachary Hartmann	Val Campbell	Lynette Campbell	Terel Grimley
Rick Hancock	Dean Allred	Justin Fawson	Cheryl Stoker
Jack Barrett	DaNae Jamison	Neil Amaral	Bill Hartmann
Sue Hartmann	Nicole Mecham	Stanley Kippen	Justin Rogers
Jon Powell	Jeff Biesinger	Rick Hinds	Kent Bailey
Alan Woodfield	Lynn Satterthwaite	Gardner S. Crane	John Hansen
Sherry Chandler-Buckway	Boyd Walters	Margene Walters	

## **REGULAR MEETING**

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

## **CONSENT AGENDA**

### **1. CONSIDERATION TO APPROVE THE JANUARY 15, 2014 PLANNING COMMISSION MEETING MINUTES.**

**Vice-Chairman Waite made a motion to approve the January 15, 2014 Planning Commission meeting minutes. Commissioner Brown 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>
<b>Commissioner Swanson</b>	<b>yes</b>

**The motion passed.**

## **ACTIVE AGENDA**

### **1. PUBLIC COMMENTS.**

There were no public comments.

### **2. PUBLIC HEARING TO CONSIDER REZONING THE PROPERTY LOCATED APPROXIMATELY AT 1825 N 100 E FROM COMMERCIAL C-2 TO RESIDENTIAL R-3 AND RESIDENTIAL R-4 FOR THE PURPOSE OF CONSTRUCTING A MULTI-FAMILY DEVELOPMENT.**

A memo from City Manager Ron Chandler explained Aspen Land Development Services is requesting rezoning of 30.75 acres from Commercial C-2 Zone to Residential R-3 and R-4. The concept was presented to the City's Economic Development Committee on April 30, 2013 and the minutes of that meeting were included in the materials provided to the Planning Commission for this meeting. The City's General Plan was adopted in 1997 and updated in 2000. The City Council approved the funding for an update to the General Plan in the upcoming fiscal year. The scope of the General Plan update and the request for qualifications for this plan are currently being prepared.

City Planner Rob Scott summarized the staff memo and reviewed the zoning map of the City to identify the location of the subject property. He then read for the record the following letter written by Mr. Chandler, which focused on the items the Planning Commission should consider when dealing with a rezone request as well as provided a brief history of the zoning of the subject property to date:

When reviewing a request to rezone property, it is best to avoid considering a development plan that may be presented by the petitioner. When a property is rezoned, the petitioner is under no obligation to develop the property according to the plans he/she discussed at the hearing. If the property is sold before development, the new owners will be entitled to develop the property according to the zone the Planning Commission has approved. In other words, the owner of the property is entitled to build whatever the zone allows. Multi-family residential zones R-3 and R-4 are meant "to provide higher density residential areas. . ." (North Ogden Code 11-7G-1 & 11-7H-1). Housing types in this zone consist of two-family dwellings, twin homes and multi-family dwellings.

When considering a request to rezone property, the Planning Commission should rely upon the General Plan for guidance. North Ogden's approved General Plan identifies the portion of this property along Washington Boulevard as commercial and the remainder as low-density residential single family. The General Plan defines low density as "low density residential areas are either exclusively single family detached housing or planned residential unit developments. The density found in these developments within the urbanized portion of the City range from one unit per acre to less than four units per acre, which are the zones R-1-4-, R-1-20, R-1-12.5, and R-1-10." (North Ogden General Plan, page 41).

On August 23, 2011 the North Ogden City Council adopted an economic development plan which states:

"Economic growth is important for North Ogden for two key reasons. First, North Ogden has an increasing residential population, and it is important for most residents to be able to shop relatively close to their homes for both convenience and environmental reasons. Second, businesses are large contributors of tax revenues to the City, including sales tax revenues and property tax revenues. North Ogden produces a relatively small amount of sales tax for a City of its population, and a strong commercial district filled with successful businesses would contribute significantly to the City's tax revenues, thereby enabling the City to continue to provide high-quality services." (North Ogden City Economic Development Plan, page 6)

The subject property has been zoned commercial, in part, to meet this goal.

In 2012 North Ogden hired Better Cities, Inc. as its economic development consultant and this property was identified as one of the areas for them to focus on when recruiting commercial developers.

On April 30, 2013 a similar concept as what is being recommended at this time was presented to North Ogden's Economic Development Committee. A copy of the minutes

is included in the Planning Commission packet. The Committee unanimously approved the following motion:

“Council Member Taylor made a motion to recommend that the City Council, in an expeditious manner, begin General Plan evaluations including evaluations regarding economic development; to recommend that the Planning Commission, in conjunction with the economic development advisor, begin discussions regarding mixed-use zoning and analysis; and that the current zoning for the subject property remain unchanged until the other two discussions have taken places.” (page 20)

North Ogden’s previous planner prepared a mixed-use zone ordinance that is under review by the Planning Commission and staff is presenting the scope of work and the request for proposal for the General Plan update.

For the reasons mentioned above, it is staff’s recommendation that the Planning Commission not recommend approval of the rezone application to the City Council at this time.”

Mr. Scott then stated the current designated land use for the property is commercial C-2, but the projected land use as shown on a concept plan includes a combination of multi-family uses within the R-3 and R-4 zone along with a senior assisted living center and a charter school. He noted the Planning Commission packet includes an email from the developer that expresses his desire to revise his concept plan to include the senior assisted living center. He explained staff has reviewed the developer’s request to determine whether a senior assisted living center is an allowed use in the type of zoning that is being requested; he noted the R-1-8 zone of the City would allow for such a use as well as for the charter school. He then summarized the potential actions the Planning Commission could take this evening.

Commissioner Swanson asked if ownership of the property has changed since the original development plan was submitted. Chairman Thomas stated he believed the same person still owns the property.

Chairman Thomas opened the public hearing at 6:42 p.m.

Troy Herold stated he is the applicant for the project. He stated the developer that has proposed the construction of the assisted living facility is present. He used the aid of a PowerPoint presentation to review what the complex would look like and how it would fit into the overall development. He stated he did not receive the staff comments prior to this meeting so he was not able to respond to those comments and concerns in his presentation. He also reviewed the reasons why he does not believe a 35 acre commercial development is suitable for the area, which is the purpose for the rezone request. He stated he feels the rezone request is in accordance with the City’s General Plan.

Ron Zebart stated he is a developer and owner of senior housing communities in five different states and is interested in building such a facility on this property. He continued reviewing Mr. Herold’s PowerPoint presentation to highlight certain features of the project he would like to

build. He noted a senior living facility would be a great use in the overall project planned for the area and would be a great neighbor to the surrounding single family residential uses as well as the proposed charter school use. He also reviewed other single living facilities he has built in other areas and stated such a use would be very unique to North Ogden and would be in high demand. He concluded that if the rezone is approved and the property owner is able to secure other required development approvals from the City, he would like to begin construction of this project during the summer of 2014.

Neil Amaral, 183 E 1875 N, stated this development would directly impact his property and he provided the Planning Commission with a photograph of his backyard in its current state to highlight the amount of money he has spent improving the area. He provided the Planning Commission with a brief overview of his personal history and the reasons he and his wife moved back to North Ogden; they purchased the property with the intent of living there for the rest of their lives. He stated the City's approval of the proposed development will change his view from his property to a parking lot. He stated he will fight against the development tooth and nail; he is not opposed to development, but he does not believe the information presented in Mr. Herold's sales pitch is what will actually happen with the property. He stated approval of the rezone could potentially permit the construction of high density housing development structures such as apartments. He stated that before purchasing this property he researched other available properties in the area and he has seen other townhome developments and multi-family properties and they are not being well maintained and are essentially turning into the 'ghetto'. He stated if the City approves the rezone request, there will be no way to prevent the property owner from building apartment complexes.

Chairman Thomas addressed Mr. Amaral and stated the property is currently zoned for commercial development and there could potentially be a larger parking lot built behind his house than the parking lot that may be associated with the type of development that would be allowed if the zoning request were approved. He asked Mr. Amaral if he would prefer residential or commercial development of the property. Mr. Amaral stated he would prefer residential, but a lower density residential designation. He stated he was surprised to find out the property was commercial.

Jessie Kit stated she has lived in North Ogden for seven years and she drives past the subject property on a very regular basis; she is excited to support the requested development. She stated she serves as the chair of a charter school committee that will be presenting a request to the State Office of Education next week to present a charter known as the Greenwood Charter School that will bring a health and wellness focus charter school to the area. She stated an assisted living center would be a great neighbor to the charter school. She also likes the aspect of residential development on the subject property because the school will serve the families living in the units there.

Council Member Justin Fawson, 2539 N 1600 E, stated he feels the allowance of accessory dwelling units in the City would serve to circumvent current zoning regulations rather than properly subdividing properties. He stated he feels there is a purpose for the RE-20 zone and it should be considered carefully. He then referenced the discussion regarding mixed use developments and stated he supports such developments, but he does not feel that translates to

high density housing. He stated there is no guarantee of how a property will be developed if a rezone is approved. He noted that the requested rezone does not need to take place in order for an assisted living facility to be built on the subject property. He voiced his full support of a charter school on the property. He then concluded by stating he would like the Planning Commission to understand his full opposition of a business that is predatory in nature or whose primary purpose is the moral opposition of residents that he directly represents. He stated that if the Planning Commission feels the City Council is not giving enough direction or that residents are exposed to these types of businesses, they should not hesitate to communicate those concerns to the City Council. He added he is excited to work on the General Plan amendment this year.

Stanley Kippen stated he is concerned about the plans that are being proposed for the subject property; a taller building would block the view of the mountains that existing residents have in the area. He stated he is hopeful that the Planning Commission will try to require that any new construction in the City will use solar power options to review energy costs in the area.

Dean Allred stated he lives in the Green Acres area and he drives by the subject property every day for the last 45 years. He stated he agrees with the assessment that the commercial land use designation does not fit for the property because there is a lot of other commercial space in the area that is sitting vacant in various states of deterioration. He asked the Planning Commission to consider what would happen to the property and the surrounding area if the commercial zoning is maintained; he feels the property will remain in its current state and it does not provide a good entrance to North Ogden.

Todd Schwartz stated he lives on 1700 North and he noted that a new assisted living facility was recently built on 2100 North and if the proposal before the Planning Commission tonight is approved, there will be three of those types of facilities within one mile of each other. He then stated that he feels the focus on charter schools should be redirected at public schools and improve those.

Dan Carter stated he lives on Elberta Drive and he has 16 acres of property and the City is starting to run short of open space; he asked that the Planning Commission not approve a request that would allow the construction of more apartments in the City. He suggested that the property owner go back to the drawing board. He stated that if the R-3 or R-4 zoning is approved the owner can build whatever they want on the property that is allowed in that zone.

Council Member Kent Bailey, 859 E 2850 N, stated he wants to thank the Planning Commission for their willingness to take the time to tackle difficult issues such as these. He stated he would like to echo the sentiments of Mr. Fawson; the uses that have been suggested for this area do not require rezoning to R-3 or R-4 and R-1-10 would be adequate. He then stated there are some other issues the Planning Commission will be dealing with tonight and he wanted to communicate to them that he strongly believes in keeping residential zones residential and that means that the only time a business should be allowed in a residential zone is when it is invisible to the properties around it. He concluded he looks forward to working with the Planning Commission in the future on other issues.

Commissioner Swanson made a motion to close the public hearing at 7:40 p.m. Vice-Chairman Waite seconded the motion.

**Voting on the motion:**

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

**The motion passed.**

**3. DISCUSSION AND/OR RECOMMENDATION TO CONSIDER REZONING THE PROPERTY LOCATED APPROXIMATELY AT 1825 N 100 E FROM COMMERCIAL C-2 TO RESIDENTIAL R-3 AND RESIDENTIAL R-4 FOR THE PURPOSE OF CONSTRUCTING A MULTI-FAMILY DEVELOPMENT.**

Mr. Scott stated the Planning Commission has the duty to make a recommendation to the City Council before they can make a final decision regarding this application. He stated the options available to the Planning Commission this evening are to either approve the application, modify the application, deny the application, or continue the application until the applicant complies with the staff recommendations.

Vice-Chairman Waite stated he would like to hear the recommendation from the City's Economic Development consultant, Matthew Godfrey. Mr. Godfrey stated he was asked to address the economic development ramifications of the rezone request; he looked at the request from a tax revenue standpoint and he conducted an analysis of other properties within North Ogden while considering three different zoning options: R4, C2, and mixed-use zoning. He stated the dollar amounts he will be reviewing are the sales and property tax revenues per acre per year. He noted the R4 zone would generate approximately \$2,000 per acre; the C2 zone would generate \$22,000 per acre; and the mixed use zoning would generate approximately \$27,000 per acre. He stated the other issue he was asked to address is flexibility and the impact the rezone would have on future surrounding developments. He stated he previously recommended mixed-use zoning because its flexibility could accomplish two things: one is continuing the brand and character of North Ogden.

Vice-Chairman Waite stated he had reviewed the minutes of the April 2013 Economic Development Committee meeting and during the meeting Council Member Cheryl Stoker made a comment about areas on the west side of Washington Boulevard and that the multi-family developments in those areas have lowered property values for single family dwellings. He asked Council Member Stoker to address those claims. Council Member Stoker stated there are many single family dwellings for sale in that area; she is opposed to mixed-use or high density developments coming into the City. She stated she feels some of the development that has

occurred in that area is in compliance with the City's General Plan. She reiterated there will be updates to the General Plan and she wants the options of the City to remain open; if open space is given up at this point in time there will be no way to get it back in the future.

Mr. Herold stated he would like to address some of the comments that have been made. He referred to his PowerPoint presentation and talked about the timing of the project he is proposing. He stated he originally made application to the City in March of 2013 and this current proposal has changed and that is why he made the decision to reapply. He reviewed the history of the process to review the applications for the property to date, with a focus on the City's intent to delay consideration of the application while moving forward with a General Plan update. He stated he wants to know how long his client is going to be forced to wait for the City to update the Plan. He noted the North Ogden City Code states an applicant can only be required to wait a maximum of six months to receive a decision on a submitted application, but his client has been waiting for nearly a year. He stated he is not asking the Planning Commission to make a decision tonight, but they need to consider the application.

Mr. Amaral asked Mr. Herold why his client is opposed to building single family homes on the back of the property next to the river. Mr. Herold stated he would like to discuss those issues outside of this meeting.

Commissioner Swanson asked City Attorney Jon Call to address Mr. Herold's comments regarding the requirement for the City to consider an application within a specified amount of time. Mr. Call stated Utah State Code includes a provision stating that when someone submits an application they can demand a decision within 45 days. He added the typical default is that if the City fails to render a decision, the application may be considered denied.

Chairman Thomas led a discussion regarding the process to begin working on the update of the City's General Plan. He then shifted focus to the fact that there is potentially 100 acres of developable property in the vicinity of the subject property and the discussion regarding updating the General Plan should include discussions regarding how all of that property could be zoned and developed in a manner that could be supported by the City. He stated the current General Plan calls for the property to be developed for low density single family uses, but the property was rezoned C2 for commercial development.

Mr. Herold stated he does not feel his client would be adverse to tabling the application for an additional two weeks and he noted he is open to considering the appropriate zoning that would accommodate a senior living facility. There was a discussion regarding the different zones of the City that would permit a senior living facility as well as a school.

Vice-Chairman Waite stated he was blindsided by the fact that the property is currently zoned Commercial C2, though the General Plan calls for low density residential development. He stated the requested R-3 or R-4 zone does not mesh with either of those two zoning designations. He stated once this property is no longer marketable as commercial property, the City will lose out on a large amount of money and opportunities. He added there has been a great deal of time spent discussing mixed-use zones and he was told this property was the reason for those discussions. He stated that is another reason he was surprised to see the application for

Residential R-3 or R-4 zoning. Chairman Thomas stated throughout those discussions it was determined that mixed-use developments that would fit into the character of North Ogden City could be accommodated within the existing zoning categories of the City.

Commissioner Swanson inquired as to the zoning designation of the property before it was rezoned Commercial C2. Chairman Thomas stated it was zoned for agricultural use; it was annexed into the City and zoned Commercial C2.

There was then a discussion regarding the next steps and the process for considering potential amendments to the current application. Mr. Herold stated he would like two weeks to consider changes to the application while still achieving the goals of his client. He added he did not believe his client would be adverse to a zoning development agreement that could be adopted in conjunction with approval of the zoning change. There was then a discussion among staff and the Commission regarding zoning development agreements that would dictate that the finalization of the zone change would be subject to the Council's approval of the final plat for the development.

Building Official Gary Kerr noted that assisted living facilities are permitted in low density residential zones of the City. There was then a discussion regarding the amenities that would be included in the assisted living facility that Mr. Zebart is proposing to construct; this led to a discussion regarding landscaping and open space associated with the development.

Mr. Scott refocused the discussion and reiterated the options available to the Planning Commission this evening.

**Vice-Chairman Waite made a motion to table discussion of the proposed application for an additional two weeks. Commissioner Swanson 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>
<b>Commissioner Swanson</b>	<b>yes</b>

**The motion passed.**

**4. PUBLIC HEARING TO AMEND ZONING ORDINANCE 11-2-1, DEFININITIONS, BUILDING HEIGHT.**

A staff memo referenced an ordinance drafted by staff that defines the process why which the City would measure building heights.

Building Official Kerr summarized the staff memo and briefly reviewed the proposed ordinance, with a focus on the manner in which a building height would be measured on uphill and downhill lots. He stated the ordinance also includes a recommendation to exempt building features such as steeples and parapets from the building height restriction.

Chairman Thomas opened the public hearing at 8:21 p.m.

Dean Allred referenced the building features that would be exempted from the building height restriction and stated he feels things like parapets are part of a building and could potentially obstruct a view. He questioned whether they should actually be exempt from the building height. He stated he feels the change to the ordinance is very confusing and unclear.

Stanley Kippin, 629 N 2600 E, stated he lives across the street from a LDS Stake Center; it is rather tall. He stated when his house was built it was oriented in a way to maximize the view of Ben Lomond Peak, but the Stake Center now obstructs his view of the mountain from his front window. He stated that he does not believe an allowed building height of 35 feet would be sufficient to allow him to modify his house in order to see Ben Lomond Peak again. He stated he believes building height restrictions should apply to the location and intent of a building; he would recommend against a blanket building height restriction for all buildings in the City.

Chairman Thomas stated the current ordinance allows a maximum building height of 35 feet; the proposed ordinance simply clarifies the manner in which that building height is measured to provide clarity regarding the point on the building from which the measurement is taken. Mr. Kippen stated he would like the building heights of surrounding buildings considered as well.

Council Member Bailey asked for clarification of the intent of the ordinance. Chairman Thomas stated that the ordinance will clarify the manner in which the 35 foot building height measurement is taken as well as exempt building features such as parapet walls and steeples from the measurement. Mr. Bailey stated he would like the Planning Commission to address the reason for exempting things like parapet walls from the measurement. Commissioner Brown stated the issue was raised originally due to building heights at the Smith's Marketplace development when the height of parapet walls is included.

Mr. Call noted there are two separate ordinances; one will clarify the manner in which building height is measured and the other will exempt certain building features from building measurements.

**Vice Chairman Waite made a motion to close the public hearing at 8:31 p.m.  
Commissioner Russell 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>

Commissioner Knight      yes  
Commissioner Swanson    yes

The motion passed.

5. DISCUSSION AND/OR ACTION TO AMEND ZONING ORDINANCE 11-2-1, DEFINITIONS, BUILDING HEIGHT.

Mr. Scott suggested that the proposed ordinance be amended to only provide an exemption for parapet walls on commercial structures.

Chairman Thomas stated there seems to be some confusion regarding the ordinance that would define the manner in which building heights are taken and he suggested that issue be tabled for additional discussion and that only the ordinance providing exemptions for certain building features be considered tonight.

Vice-Chairman Waite stated he has some concerns regarding the ordinance providing exemptions for certain building features because he wondered if someone could do something unreasonable like constructing a 30 foot chimney on top of their home because the chimney would not be considered in the building measurement. There was a discussion regarding various building features that could be extended over and above the building height, with City Manager Chandler noting that some cities include in their ordinance a maximum building height including building features such as steeples, chimneys, and parapets. Vice-Chairman Waite stated he would be comfortable with including a maximum building height that covers additional building features. Mr. Chandler suggested that the maximum building height including additional building features be an additional five or 10 feet. Chairman Thomas reiterated his recommendation to table the ordinance regarding building heights, but take action on the ordinance regarding exemptions for certain building features.

**Vice-Chairman Waite made a motion to continue discussion regarding the manner in which a building height is measured; and recommend the City Council adopt the ordinance exempting certain building features from the building height measurement, with the recommendation that the Council consider a staff recommendation implementing a maximum building height that does include certain building features and that only commercial parapet walls be exempt from the building height restriction. Commissioner Brown seconded the motion.**

**Voting on the motion:**

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

Commissioner Swanson     yes

The motion passed.

**6. CONSIDERATION AND/OR ACTION TO APPROVE WOODFIELD FARMS SUBDIVISION, LOCATED AT APPROXIMATELY 500 EAST 1700 NORTH.**

A staff memo from City Planner Scott explained when the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are conditional use permits, design reviews, and subdivisions. Administrative applications must be approved the Planning Commission if the application demonstrates compliance with the approval criteria. The memo provided a background of the application explaining the applicant is requesting preliminary approval of an 87 lot subdivision in 3 phases at approximately 500 East 1700 North known as Woodfield Farms. The 87 lot subdivision is on 25 acres and is located in the R-1-8 zone. The R-1-8 zone requires a minimum lot size of 8,000 square feet on interior lots and 9,000 square feet on corner lots with a frontage requirement of 80 feet. The property is currently vacant.

There is one corner lot that does not meet the 9,000 square feet standard, i.e., lot 82; this will need to be modified. The overall layout of the subdivision provides appropriate access to the adjoining properties, however, Staff has a concern for the 1650 North stub location; it appears to be going into Alan Woodfield property that has an existing home. The applicant will need to address this stub location so that it provides adequate access without interfering with the existing home. The City Engineer has submitted a staff review dated January 21, 2014. There are 7 comments regarding the plat, 18 comments associated with the improvement plans, and 4 comments regarding final. Each of these comments will need to be addressed as part of the final submittal. The memo concluded the proposed subdivision meets the requirements of applicable North Ogden city ordinances and conforms to the North Ogden City General Plan. The General Plan map calls for this property to be developed as single family residential. Conditions of approval should be that it meets the requirements of the North Ogden City Engineer and the requirements of the North View Fire District. Staff recommends preliminary approval of this application for Woodfield Farms with the conditions from the reviewing agencies, ensuring that all lots meet the subdivision ordinance size standard, and that the applicant address the stub road location shown as 1650 North.

Mr. Scott summarized his staff memo.

Boyd Walters, 1500 N Washington Boulevard, stated he irrigates his property from the Chadwick ditch and it has been a hassle to continue that irrigation ever since various developments have occurred around the ditch; he suggests that the ditch be piped to prevent people from dumping garbage and other items into the waterway. There was a discussion regarding the exact location of the ditch.

City Engineer Matt Hartvigsen reviewed a plat map and identified the Chadwick ditch and a couple of other ditches in the vicinity of the subject property. He stated that there is a sliver of property near Coldsprings Village that was not platted along with the Coldsprings property; it

may still be in Ogden City and it is difficult to access in order to clean the ditch where it runs through the property. He stated that is an issue that is independent of the application before the Planning Commission this evening. Discussion regarding issues with the ditch and storm drainage system in the area of the Coldsprings Village development ensued; Mr. Hartvigsen stated there are plans for a future storm drain line that will cross Washington Boulevard and it has been stubbed to new developments in the area; he explained how the storm drain will be continued as future development occurs. He stated that he feels other ditches in the area needs to be piped, but there are questions regarding who should be responsible for that piping and the future maintenance once the ditch is piped. He stated such work is considered an offsite improvement. Mr. Chandler stated that if the decision is made to require piping of the ditch, it may not make much of a difference whether the ditch is located in Ogden or North Ogden; the owner will simply be required to pipe the ditch with an easement along North Ogden's boundary line. Mr. Hartvigsen then concluded that he feels the trail aspect of the development was more of an afterthought and it may be good to reference the City's Trails Master Plan to determine how the trail will fit into that Plan.

Council Member Stoker addressed the trail issue; there is a Committee that has developed a Trail Plan for the City and she is sure that the subject property is included in the Plan somehow. She stated it would be good for the developer to work with the Committee to determine the appropriate manner in which to build the trail.

Dave Hulme, 513 E 1700 N, stated that he lives adjacent to the subject property and he is grateful that he has had the opportunity to review the application documents prior to the meeting. He stated there are many people here that are his neighbors that are more impacted than he by this project. He stated one concern he has is where the road from the subdivision will cross 1700 North and continues north on 600 East; there has always been a great deal of concern regarding the speed on 1700 North and this development will exacerbate that problem. He would like stop signs or other traffic calming devices installed in the area. He then stated 1525 North is not a public street and is, rather, a private road that serves the Coldsprings development. He stated if the developer of the subject property believes they will be able to use 1525 North for an exit to Washington Boulevard they would be trespassing. He added there are many people in the neighborhood that will miss the big, open field that will be replaced by these homes. He stated there may be many school aged children living in the development and they will likely attend Green Acres Elementary; he would hope there are plans to install devices to assist the children in crossing 1700 North.

Stanley Kippen stated the City is receiving money from the Federal Government and that could be used to assist in piping the ditch and use the ditch for the trail system.

Alan Woodfield stated he lives east of the subject property. He stated that it was his suggestion that the development contain one-third to one-half acre lots as well as open space and a park. He stated a friend of his went over his head and purchased the property out from under him, but he asked him to keep the beautiful plan for the development and to pay for appropriate access to Washington Boulevard to divert traffic out of the bottom of the subdivision. He added that he has a 12-foot driveway and a 16-foot flag lot easement which he has preserved his privacy and peace and the developer has ensured he would have a driveway to his home, but what has been

provided directly faces an accessory building he has on his property. He stated he does not know who the developer is so he does not know who to work with to address the issues. He noted he does not like the layout of the development and the smaller size of the lots and homes.

Gardner Crane, Uinta Land Co., stated the plat that has been presented this evening was approved five years ago, but he delayed the project due to economical factors. He stated the plat is the same as it was at that time, though minor changes have been made to accommodate staff feedback. He addressed Mr. Woodfield's comments and stated that he requested a road stubbed to his property and the location of that road can be changed to accommodate his wishes. He stated the trail easement was not an afterthought and he will try to accommodate the City's Trails Master Plan. He noted the only challenge with the property relates to some utility issues that he is confident he will be able to work through.

Chairman Thomas asked Mr. Crane if he has looked at the ditch on the south side of the property. Mr. Crane answered yes and stated he is waiting on a survey to determine if the ditch is on his property. There was a discussion regarding options for addressing the concerns raised regarding the ditch as part of the development of the subdivision.

Terrell Grimley, 965 E 2050 N, stated he is the President of the North Ogden Irrigation Company. He echoed Mr. Walters' concerns regarding the ditch; there is a 20 foot irrigation easement on the south border of the subject property and the City should utilize RAMP Grant funds to pipe the ditch. He provided the Planning Commission with an overview of the purpose of the irrigation ditch as well as the Chadwick ditch and explained the relationship between the two ditches. He stated he hopes the developer will step up and pipe the ditch.

Chairman Thomas asked if there is any way to upsize the storm drain and combine the ditch and storm drain together under the road. Mr. Grimley stated it would be up to the downstream users to agree to do that. He stated capacity of the ditch is limited by the size of the pipe that runs under Washington Boulevard. He noted his recommended solution would be to meet with the users who own property west of Washington Boulevard to see if they would accept metered storm water in the Chadwick ditch. There was discussion regarding different options for piping the ditch, with Mr. Grimley stating he feels the problems can be addressed if all parties will agree to work together.

**Commissioner Swanson made a motion to approve Woodfield Farms Subdivision, located at approximately 500 East 1700 North, subject to the conditions recommended by the City Engineer. Commissioner Brown 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>

Commissioner Swanson     yes

The motion passed.

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

Chairman Thomas introduced the item and provided a brief history of this subject to date. City Attorney Call also provided his concerns regarding some of the restrictions included in the proposed ordinance that the City may not be able to enforce; there was a focus on the requirement that a family live in the accessory dwelling unit (ADU) as well as the sharing of utilities between the two structures.

Chairman Thomas stated staff raised a concern regarding animal keeping on a parcel of property located in the RE-20 zone in the event that an ADU is constructed on the parcel. He stated his recommendation would be that the property owner be required to comply with current property size requirements in order to be eligible to keep larger animals and if there is an ADU on the property, the size requirement would be doubled or increased proportionately. Mr. Chandler agreed with that recommendation.

Zachary Hartman, 884 E 2100 N, stated during the last City Council meeting their biggest concern was relative to keeping of larger animals and the fact that an ADU may take too large a portion of the property to prevent animal keeping. He stated relative to the other issues that have been raised he thought those had already been addressed by the draft ordinance.

Mr. Chandler agreed with Mr. Hartmann and stated the ordinance has been amended to address the concerns expressed by the Council regarding animals.

Stanley Kippen stated the size of an animal should be considered; goats are much smaller than horses and cows and can be used to maintain vegetation.

Mr. Hartman stated the RE-20 is unique and it is possible to keep horses or cattle on a parcel of property smaller than one acre and he would like the Planning Commission to consider how much space is actually needed for larger animals.

Suzanne Hartman, 884 E 2100 N, stated in the 25 years she has lived here she has never been through a hard time and she is shocked that the Planning Commission is reconsidering this again.

Chairman Thomas stated that the Planning Commission has already addressed the issue that was originally brought forward by the Hartman family by drafting an ordinance for the City Council to consider; the only concern the City Council had was relative to animal keeping on properties with ADUs and Mr. Chandler has addressed that concern appropriately by requiring a proportionate amount of acreage based on the number of dwellings on a property. He stated that is a way to instill uniformity with the RE-20 zone.

Commissioner Swanson stated there are two concerns he has; one relates to utilities. He stated that undoubtedly at some point in time there will be someone in the RE-20 zone that wants to build an ADU for the purpose of renting it and there will be no requirement to provide separate utilities for that ADU. He referenced a hypothetical situation where the renter could suffer from disconnected utilities in the event that the landlord or person living in the primary dwelling unit does not pay for the joint utility bill. He stated the other concern he wanted to express is that he feels this proposed ordinance circumvents the intent of the RE-20 zone and can create many unintended consequences for the City in the future. Chairman Thomas stated those same concerns have been shared by other Planning Commissioners and those concerns have been addressed; the utilities would need to be separated if the property is ever subdivided.

**Vice-Chairman Waite made a motion to recommend to the City Council an amendment to the zoning ordinance to allow accessory dwelling units in the residential RE-20 zone. Commissioner Russell 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>
<b>Commissioner Swanson</b>	<b>no</b>

**The motion passed.**

**8. DISCUSSION TO PERMIT SIGNAGE FOR HOME OCCUPATIONS.**

A memo from City Manager Chandler stated that Mr. Stanley Kippen asked the City Council to consider allowing on-site signs for home occupations. Mr. Kippen specifically mentioned an A-frame sign. He lives on 2600 North and his wife owns a hair stylist salon that is a home occupation. Commercial signs are not permitted in the residential zones.

Mr. Scott summarized the staff memo. He stated this is a legislative/policy decision and staff needs direction from the Planning Commission regarding whether to make the amendments to the signage regulations that Mr. Kippen is requesting.

Mr. Kippen approached the Planning Commission and summarized his request that the City allow a licensed home occupation to use a sign no larger than a real estate sign in their yard during their hours of operation. He stated there are vehicles that use signage and the type of signage he is requesting is no more imposing. He provided an example of the type of signage he would like to use on his property and compared it to other types of signs that are currently placed on residential properties that may not contain a home business. He noted he lives on a busy

street, but his wife is not able to increase her business or inform potential customers of where she is located.

Chairman Thomas stated the Planning Commission has considered the signage regulations of the City at quite some length and it is his opinion that the regulations for home occupations not change. He noted there are other methods for advertising a home occupation and allowing signs for home based businesses may create many unintended consequences.

Mr. Kippen stated he lives on a busy street and the type of sign he is requested would not harm the City in any way. Chairman Thomas stated that may be true, but that may not be the case for all other home occupations in the City. He added that the City does not have the resources to enforce regulations that may be implemented to allow signage for home occupations. Mr. Kippen stated the LDS Stake Center across the street from him has a sign that he looks at every day. He stated he is paying his share and should be allowed to advertise his business. He stated if the Planning Commission is not willing to allow signage for home occupations, he would recommend that they rezone 2600 North to a commercial zone that would allow signage.

Commissioner Swanson stated he was recently informed that signage located on vehicles is essentially an illegal off-premise sign and he asked if the City is a legal conundrum by not enforcing that signage violation while choosing to enforce others. Mr. Call answered no and stated most enforcement instances are complaint driven. He added there are special provisions for religious buildings and the City cannot impose certain zoning restrictions upon them.

Commissioner Russell noted that the Planning Commission needs to consider the common good and not just what is good for one resident or home occupation. He added that he has the same opinion as Chairman Thomas regarding whether to allow signage for home occupations. Mr. Kippen stated keeping business in the community benefits the common good. He stated real estate signs are allowed on residential properties throughout the City and real estate is being held above his wife's fundamental needs to bring in customers as a cosmetologist. Vice-Chairman Waite noted that real estate signs are allowed in the sign ordinance and that ordinance provides very specific criteria that a real estate sign must meet. Mr. Kippen asked why a home occupation sign could not fall under those same criteria. Chairman Thomas reiterated Commissioner Russell's comment that the Planning Commission must consider the common good of everyone that lives in the community.

Mr. Kippen asked if the City would need to do something if he were to complain about vehicles with signs on them. Mr. Call stated the City would investigate the complaint.

Planning Commission discussed Mr. Kippen's request with the outcome being that they were not interested in amending the City's signage ordinance at this point in time.

**9. DISCUSSION TO CONSIDER THE DEFINITION AND REGULATION OF BANK AND FINANCIAL INSTITUTION USERS.**

A memo from City Manager Chandler explained the North Ogden City Council is interested in having a review done to create an ordinance providing for title loan businesses. Currently title loan businesses fall under the category of a bank or financial institution. Staff is beginning to do research on this issue. It is recommended that the North Ogden Planning Commission make a motion directing Staff to prepare a title loan business ordinance.

Mr. Scott summarized the staff memo. Mr. Call added that if the Planning Commission declares its intent to consider a pending ordinance, it will have six months time during which all applications for the type of land use that would be prohibited by the ordinance.

There was then a discussion regarding whether the City has the right to legally prohibit title loan companies from locating in the City or dictating the location in which those uses can locate. Mr. Scott noted that Ogden City was working on an ordinance to prohibit title local businesses in certain areas of their city and there were many lawyers that were very interested in the issue.

**Commissioner Swanson made a motion to direct staff to consider a pending ordinance regarding the definition and regulation of bank and financial institution users. Commissioner Brown 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>
<b>Commissioner Swanson</b>	<b>yes</b>

**The motion passed.**

**10. PUBLIC COMMENTS.**

Stanley Kippen, 629 E 2600 N, inquired as to what the City considers a residential zone; is the traffic count on a certain street considered when determining the zoning for a property. Chairman Thomas directed Mr. Kippen to work with staff to gain an explanation of zoning designations. Mr. Kippen proposed to change the zoning on 2600 North to allow signage for home occupations on that street. Chairman Thomas referred Mr. Kippen to work with Mr. Scott. Mr. Kippen then referred to the discussion about title loan companies and stated that when he was a kid, if someone charged a 30 percent interest rate on a loan, they were referred to as a loan shark.

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

Mr. Scott stated the Planning Commission will have the opportunity to participate in a training session during its next meeting and he would like the Planning Commission to email their ideas for items to be addressed during that training session.

Commissioner Brown referred to the request to rezone the property on Washington Boulevard and stated it is a very big issue and it has far reaching implications. There was a discussion regarding the items to be considered by the Planning Commission at the next regularly scheduled meeting and the decision was made to hold a work session meeting next Wednesday to further discuss the zoning of the property located at 1825 North 100 East.

Mr. Scott stated he has been working to identify a process to proceed with the General Plan updates and he noted the Wasatch Front Regional Council (WFRC) has money available that local government entities can apply for to assist in planning items.

Commissioner Brown stated last night she talked to Mayor Taylor about the failing condition of the parking lot in front of the library and City Hall building; the Mayor told her that the County has committed to repair the parking lot when they update the library, but she noted that project will not start for an additional two years and the parking lot will not last that long. She stated that the City needs to find money somewhere to fix the changes.

Chairman Thomas asked Commissioner Swanson to briefly introduce himself to the other Commissioners and others in attendance. Commissioner Swanson provided the group with information about himself and his family as well as his professional background; he has lived in North Ogden for eight years and he hopes to participate in the good planning of the City.

## **12. ADJOURNMENT.**

**Vice-Chairman Waite made a motion to adjourn the meeting. Commissioner Brown 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>
<b>Commissioner Swanson</b>	<b>yes</b>

**The motion passed.**

The meeting adjourned at 10:27 pm.

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Planning Commission Chair

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

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Date approved

To: The Planning Commission  
 Fr: Ron Chandler  
 Dt: February 5, 2014  
 Re: Rezoning the property located approximately at 1825 N 100 E from Commercial C-2 to Residential-3 and Residential-4 for the purpose of constructing a multi-family development.

Commissioner Thomas asked me to prepare a follow-up letter to my staff report. As you review this rezone request, please consider the following.

- 
1. When reviewing a request to rezone property, it is best to avoid considering a development plan that may be presented by the petitioner. When a property is rezoned, the petitioner is under no obligation to develop the property according to the plans he/she discussed at the hearing. If the property is sold before development, the new owner will be entitled to develop the property according to the zone you approved. In other words, the owner of the property is entitled to build whatever the zone allows. Multi-family residential zones R-3 and R-4 are meant "to provide higher density residential areas. . . ." (North Ogden Code 11-7G-1 & 11-7H-1) Housing types in this zone consist of two-family dwellings, twin homes and multi-family dwellings.
  2. When considering a request to rezone property, you should rely upon the General Plan for guidance. North Ogden's approved General Plan identifies the portion of this property along Washington Blvd. as commercial and the remainder as low-density residential, single family. The General Plan defines low density as "low density residential areas are either exclusively single family detached housing or planned residential unit developments. The density found in these developments within the urbanized portion of the City range from one unit per acre to less than four units per acre which are the zones R-1-40, R-1-20, R-1-12.5 and R-1-10." (North Ogden General Plan, page 41)
  3. On August 23, 2011 the North Ogden City Council adopted an economic development plan which states
 

"Economic growth is important for North Ogden for two key reasons. First, North Ogden has an increasing residential population, and it is important for most residents to be able to shop relatively close to their homes for both convenience and environmental reasons. Second, businesses are large contributors of tax revenues to the City, including sales tax revenues and property tax revenues. North Ogden produces a relatively small amount of sales tax for a city of its population, and a strong commercial district filled with successful businesses would contribute significantly to the City's tax revenues, thereby enabling the city to continue to provide high-quality services." (North Ogden City Economic Development Plan, page 6)

This property has been zoned commercial, in part, to meet this goal.

4. In 2012 North Ogden hired Better Cities, Inc. as its economic development consultant and this property was identified as one of the areas for them to focus on when recruiting commercial developers.
5. On April 30, 2013 a similar concept as you are considering was presented to North Ogden's Economic Development Committee. A copy of the minutes is in your packet. The Committee unanimously approved the following motion.

"Council Member Taylor made a motion to recommend that the City Council, in an expeditious manner, begin General Plan evaluations including evaluations regarding economic development; to recommend that the Planning Commission, in conjunction with the economic development advisor, begin discussions regarding mixed-use zoning and analysis; and that the current zoning for the subject property remain unchanged until the other two discussions have taken place."  
(page 20)

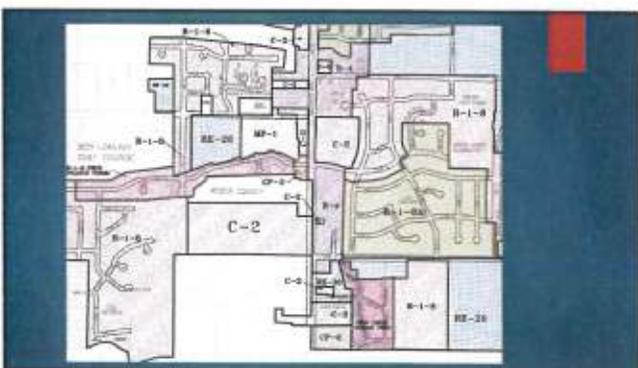
6. North Ogden's previous planner prepared a mixed-use zone that is under review by the Planning Commission and the staff is preparing the scope of work and the request for proposal for the general plan update.
- 

For the reasons mentioned above, it is the staff's recommendation that the Planning Commission does not recommend approval of this application at this time.

# Rezone Application

COMMERCIAL C-2 TO RESIDENTIAL R-1 AND RESIDENTIAL R-3  
AT APPROXIMATELY 1803 NORTH AND 100 EAST

- ## Presentation Outline
- ▶ Property location & current zoning
    - ▶ Commercial potential
  - ▶ Regional issues & Wasatch 2040 Plan
  - ▶ Conformance with Master Plans & Transportation Plans
  - ▶ Proposed Uses
    - ▶ Assisted Living Center
    - ▶ Charter School
    - ▶ Residential Development
  - ▶ Concept Plan Presentation
  - ▶ Project Timing
    - ▶ Proposed Master Plan Updates





### Wasatch 2040

- Boulevard Community is defined as "a linear center coupled with a transit route. Unlike a Main Street, a boulevard community may not necessarily have a commercial identity, but may vary among housing, employment, and retail along any given stretch."

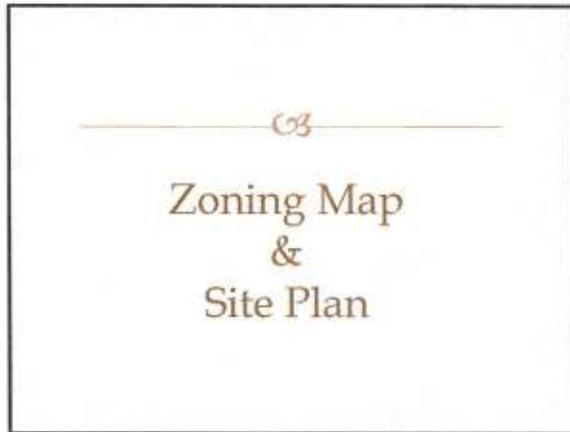
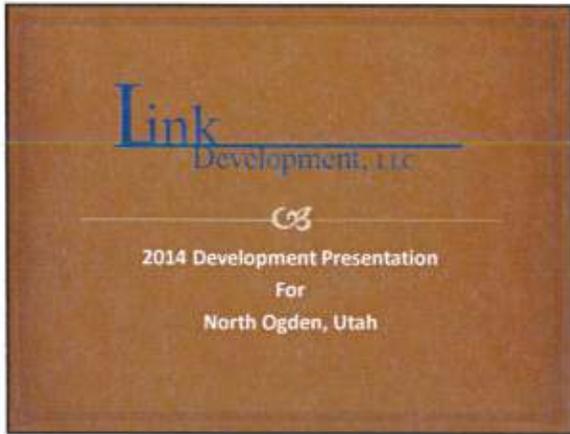




Conceptual Design  
Assisted Living Complex

- ### Project Timing
- ▶ Initial rezoning Application submitted - March 4, 2013
  - ▶ Economic Development Committee Mtg - April 30, 2013
    - ▶ Table reviewed while an Update to General Plan is completed
  - ▶ Neighborhood Mtg. to discuss Transportation and Zoning
    - ▶ 10/13/13 and 11/21/13
    - ▶ Resulted in agreement to focus on transportation, but no interest in "Master Planning" the site and/or adjoining properties
  - ▶ Second rezoning application submitted - December 20, 2013
  - ▶ To date - No RFP has been noticed for a General Plan Update

Questions?



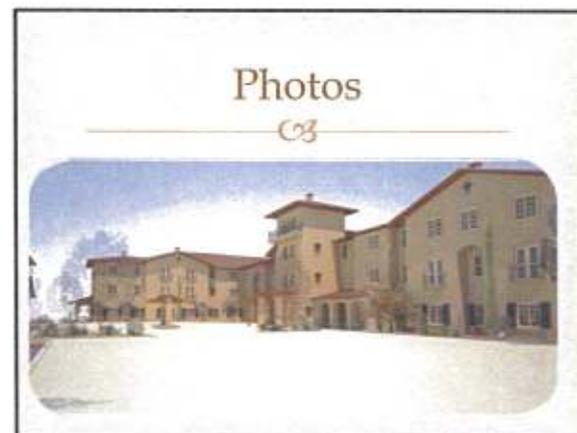
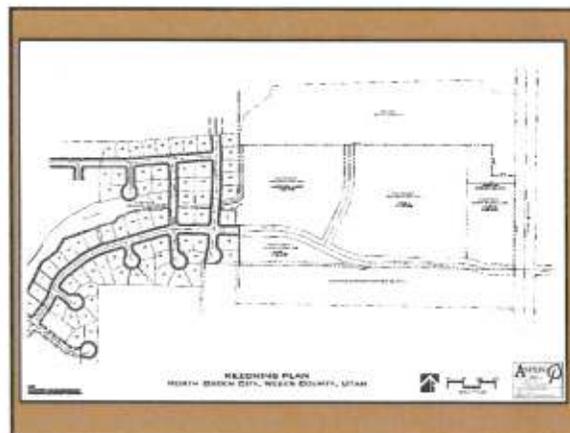
### Unit Count

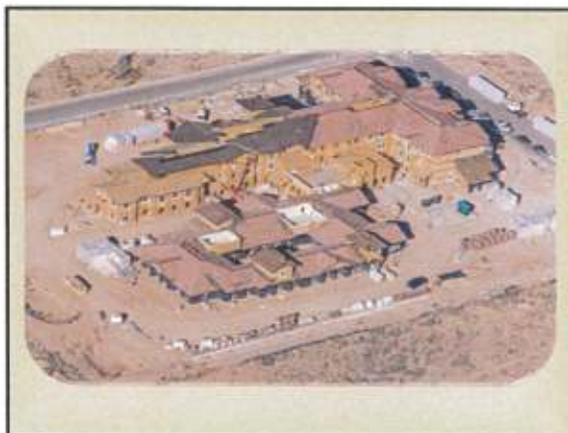
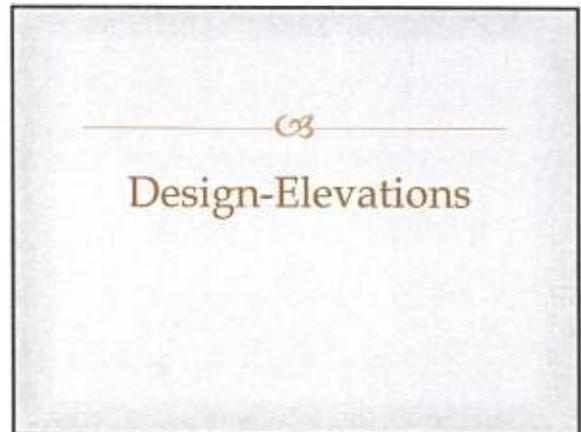
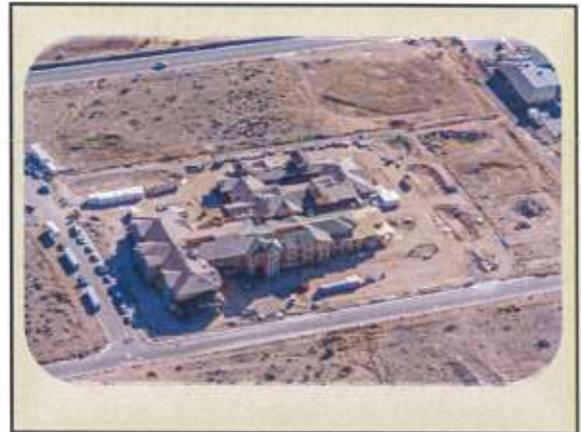
1 <sup>st</sup> Floor	1 <sup>st</sup> Floor	2 <sup>nd</sup> Floor	2 <sup>nd</sup> Floor
<u>Assisted - ALE</u>	<u>Memory Care - MC</u>	<u>Independent - ILF</u>	<u>Assisted - ALE</u>
12 Studios	14 Private	18 One-Bed	12 Studios
30 One-Bed	8 Semi-Private	3 Two-Bed	18 One-Bed
4 Two-Bed			2 Two-Bed
<b>Total 46 Units</b>	<b>Total 24 Beds</b>	<b>Total 21 Units</b>	<b>Total 32 Units</b>

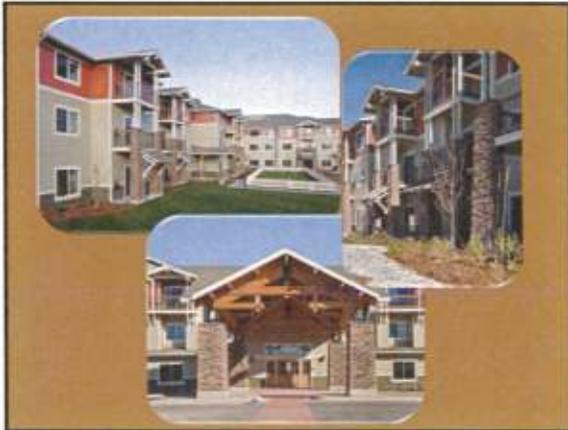
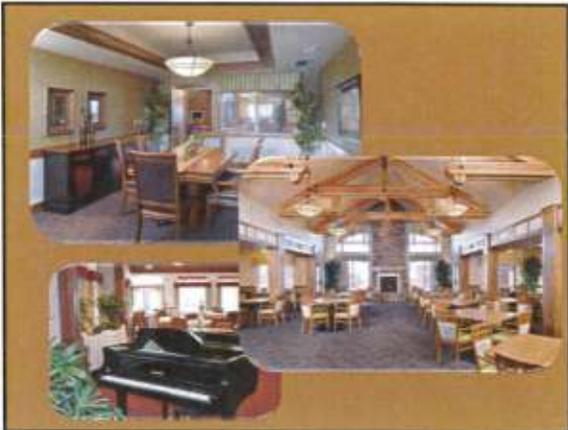
Cottages: (Independent)

4-Type 'A'  
10-Type 'A1'  
7-Type 'B'

Total 21 Units



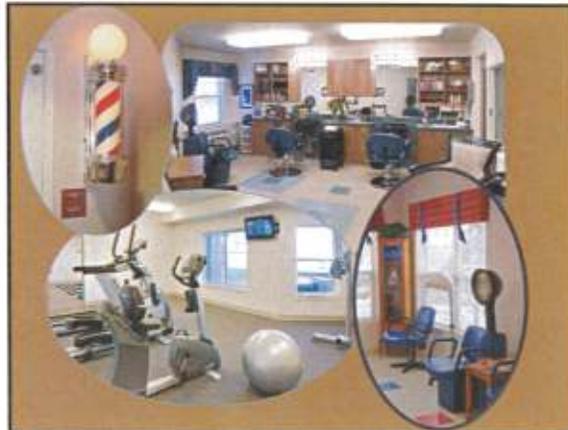




### Amenities

❧

- Beauty/Barber Shop
- Spa/Exercise Room
- Wellness Room
- Theatre
- Library
- Card/Billiards Room
- Laundry
- Bar/Bistro





## Financial Impact

  
 Construction Costs  
 Full-Time Employees  
 Total Impact



## Construction Cost

- Total Construction Cost: Approximately \$15 Million  
(Over 15 Month Period)
- Total Construction of Project: Approximately \$20 Million



- Local Contractors
  - Local Suppliers
    - Approximately 100 Local Jobs during construction

## Full-Time Employees Operations



- 75 Full-time staff during operations
  - Approximately 15 - Management Level
  - Approximately 60 - Support/Aide Staff
- Hiring- Local
- Local Vendors and Suppliers

## Total Impact Local Economy

During Construction

- Sub Contractor use
  - Skilled Trades - temp/seasonal hires



Operations

Food Supply ↔ Employees/Staff ↔ Local Suppliers

Tax Base to Community of approximately \$20 Million Dollars