

1 **NORTH OGDEN PLANNING COMMISSION**

2  
3 **MEETING MINUTES**

4  
5 December 4, 2013

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7 The North Ogden Planning Commission convened in a regular meeting on December 4, 2013 at  
8 6:30pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice  
9 of time, place and agenda of the meeting was furnished to each member of the Planning  
10 Commission, posted on the bulletin board at the municipal office and posted to the Utah State  
11 Website on November 27, 2013. Notice of the annual meeting schedule was published in the  
12 Standard-Examiner on December 30, 2012.

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14 **COMMISSIONERS:**

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16 Eric Thomas Chairman  
17 Joan Brown Commissioner  
18 Blake Knight Commissioner  
19 Steve Quinney Commissioner  
20 Dee Russell Commissioner

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22 **STAFF:**

23  
24 Craig Barker Community Development Director  
25 Gary Kerr Building Official  
26 Stacie Cain Community Dev. Coord./Deputy City Recorder

27  
28 **EXCUSED:**

29  
30 Don Waite Vice-Chairman

31  
32 **VISITORS:**

33  
34 Brandon McDougal Mike Carter Vickie Vanderhove Brock Mortensen  
35 Zach Hartmann Julieanne Hartmann Henry Hartmann Suzanne Hartmann  
36 Sherry Gould

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40 **REGULAR MEETING**

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

93 accessory dwelling unit. He stated some jurisdictions restrict the maximum floor area to 800  
94 square feet and noted that he would recommend that language be added to the ordinance to  
95 dictate that no accessory dwelling unit be larger than the primary dwelling unit. A short  
96 discussion regarding the maximum floor area ensued and the conclusion was that the maximum  
97 floor area could be no larger than the above ground existing living space of the primary dwelling  
98 unit. Chairman Thomas noted that existing living space does not include a garage. Mr. Barker  
99 continued his review of the remainder of the proposed ordinance.

100  
101 Commissioner Knight stated the only question he has is relative to the requirement for a hard  
102 surface drive way to access the accessory structure. He asked if bc millings would fall under the  
103 definition of hard surface. Building Official Kerr stated the City Engineer will need to make that  
104 determination.

105  
106 Chairman Thomas asked if the proposed ordinance needs to address the materials used on the  
107 exterior of the accessory dwelling. He asked if the materials must comply with any restrictive  
108 covenants that may be in place in a given subdivision. Mr. Barker stated that stands to reason,  
109 but language can be added to the ordinance if necessary. Commissioner Brown stated that she  
110 feels the language should be added. Mr. Barker stated the City does not enforce standards called  
111 out in covenants, conditions, and restrictions (CC&Rs) documents recorded against a specific  
112 subdivision. Commissioner Quinney stated most subdivisions have a set of CC&Rs. Mr. Barker  
113 stated that is correct, but the City does not review or enforce them. Chairman Thomas stated the  
114 City would not need to enforce the CC&Rs, but the ordinance may remind a property owner that  
115 they must comply with the CC&Rs that were in place for their primary structure. Mr. Barker  
116 stated he can discuss that issue with the City Attorney.

117  
118 **Commissioner Knight made a motion to recommend the City Council amend the zoning**  
119 **ordinance to allow an accessory dwelling unit in the residential RE-20 zone, with the**  
120 **following amendments:**

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

125 **Commissioner Russell seconded the motion.**

126  
127 **Voting on the motion:**

128 <b>Chairman Thomas</b>	<b>yes</b>
129 <b>Commissioner Brown</b>	<b>yes</b>
130 <b>Commissioner Knight</b>	<b>yes</b>
131 <b>Commissioner Quinney</b>	<b>yes</b>
132 <b>Commissioner Russell</b>	<b>yes</b>

133  
134 **The motion passed.**

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

139  
140 A staff memo from Community Development Director Barker explained this proposal is to  
141 divide an existing parcel of approximately 3.6 acres into two pieces with the new parcel on the  
142 south to be transferred to an abutting property owner. The north parcel (1.191 acres) will remain  
143 in the Hunt ownership with and the south parcel consisting of 2.422 acres will be transferred to  
144 the south abutting owner. Utah State Law allows this to happen with the acknowledgement of the  
145 City. The survey will need to be recorded at the Weber County Recorder's Office along with the  
146 approval document from the City. This item is before the Planning Commission for their  
147 consideration.

148  
149 Mr. Barker reviewed his staff memo. He reviewed an aerial photograph to identify the location  
150 to which the boundary line will be relocated. He provided a brief synopsis of the entire process  
151 that must be followed in order to record an approved boundary line adjustment.

152  
153 Commissioner Knight asked if an island parcel would be created if the property owner to the  
154 south decided against participating in the boundary line adjustment. Mr. Barker answered yes  
155 and stated that would become a violation of the City's subdivision regulations. Commissioner  
156 Knight asked if the boundary line adjustment should be approved on the contingency that the  
157 subject property is merged with the property directly to the south. Mr. Barker answered yes and  
158 noted documentation of that merger would need to be provided before the boundary line  
159 adjustment could be recorded.

160  
161 **Commissioner Russell made a motion to approve a boundary line adjustment for 715 E.**  
162 **2100 N. contingent upon the merger of the subject property with the property located**  
163 **immediately to the south. Commissioner Brown seconded the motion.**

164  
165 **Voting on the motion:**

166 **Chairman Thomas**            **yes**  
167 **Commissioner Brown**       **yes**  
168 **Commissioner Knight**       **yes**  
169 **Commissioner Quinney**     **yes**  
170 **Commissioner Russell**     **yes**

171  
172 **The motion passed.**

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175 **4. CONSIDERATION TO APPROVE A CONDITIONAL USE PERMIT FOR A POLE**  
176 **SIGN AT THE SMITH'S MARKETPLACE, LOCATED AT APPROXIMATELY**  
177 **2500 N 400 E.**  
178

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

184 present ordinance states that the sign needs to be 30 feet from a residential zone and it doesn't  
185 appear to meet that requirement. The sign area allowed is 75 square feet, which this sign meets.  
186 The base area of the sign needs to be done with the appropriate use of annuals, perennials, shrubs  
187 and trees with a ration of four square feet for every foot of sign width; in this instance, 52 square  
188 feet.

189  
190 Mr. Barker reviewed his staff memo.

191  
192 Commissioner Russell asked if both signs will face the same direction. Mr. Barker stated both  
193 signs will face east and west and they will be perpendicular to Washington Boulevard. He added  
194 the developer will be required to landscape the area beneath the signs and he noted that is  
195 included in the overall landscaping plan for the site.

196  
197 Commissioner Knight stated the location of one of the signs could impact one of the access  
198 points at the development and he asked if a traffic study was conducted for the project. Mr.  
199 Barker stated the traffic patterns will be similar to those at the nearby Wal-Mart store; there will  
200 be one lane in, one lane out, and a turning pocket lane. He stated the traffic patterns in the area  
201 of the existing credit union were evaluated and it may be necessary to add new signage to  
202 circulate the traffic associated with that business; patrons should be notified that they can come  
203 in using the entrance to the credit union, but they cannot get out in the same manner. He stated  
204 that is not part of this application because the credit union is not part of the Smith's Marketplace  
205 project. There was a brief discussion about the traffic patterns and parking configuration  
206 associated with the credit union and Mr. Barker stated that may be discussed in the future  
207 independent of the Smith's Marketplace project.

208  
209 Commissioner Brown stated that at one point in time Subway was considering moving to a  
210 different parcel of property that fronted Washington Boulevard; the move would open up their  
211 current location to allow for improvements to the ingress and egress points for the overall  
212 development. She asked if Subway may still consider that move. Mr. Barker stated he did not  
213 believe they would consider moving and he noted he does not feel improvements or expansion of  
214 the ingress and egress point is necessary.

215  
216 The discussion refocused on the application and Mr. Barker identified the proposed locations of  
217 the two new signs. He noted the existing Smith's sign will be removed.

218  
219 Commissioner Brown stated she has no concerns about the proposed signs and noted that the  
220 design is very nice. She added, however, that there have been signs in the past that have been  
221 approved with similar high expectations and those expectations were never met. She stated she  
222 expects Smith's to meet the City's expectations.

223  
224 Chairman Thomas invited public comment from the audience regarding the application.

225  
226 Vickie Vanderhave, President and CEO of Weber State Credit Union, stated she excited to have  
227 Smith's Marketplace behind her business and that was the original plan when the credit union  
228 purchased their property nearly four years ago. She added her only concern about the sign is  
229 relative to the style in that it might block the credit union signage and it may become necessary

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

236  
237 Commissioner Russell asked if the credit union has been contacted about relocating their sign.  
238 Mr. Vanderhave answered no and stated she was under the understanding that the City has  
239 signage restrictions that would prohibit this type of sign and that is why the credit union opted  
240 for such a small sign. Mr. Barker stated the credit union was subject to the prior signage  
241 ordinance, which has since been changed and allows different types of signage. Ms. Vanderhave  
242 stated she may pursue new signage because her current signage is ineffective and not as visible  
243 as she would like. She reiterated she wants to ensure visibility of her signage regardless of the  
244 sign that is approved for Smith's.

245  
246 **Commissioner Russell moved to approve a conditional use permit for two pole signs at the**  
247 **Smith's Marketplace, located at approximately 2500 N. 400 E. Commissioner Brown**  
248 **seconded the motion.**

249  
250 **Voting on the motion:**

251 <b>Chairman Thomas</b>	yes
252 <b>Commissioner Brown</b>	yes
253 <b>Commissioner Knight</b>	yes
254 <b>Commissioner Quinney</b>	yes
255 <b>Commissioner Russell</b>	yes

256  
257 **The motion passed.**

258  
259 **5. CONSIDERATION TO APPROVE THE FINAL DEVELOPMENT PLAN FOR**  
260 **SMITH'S MARKETPLACE , LOCATED AT APPROXIMATELY 2500 N 400 E.**

261  
262 A staff memo from Community Development Director Barker explained this development was  
263 originally presented to the North Ogden Planning Commission for Preliminary Development  
264 Plan approval on August 7, 2013 and to the City Council on August 27, 2013. This process is  
265 unique to the City's Planned Commercial Zone. After both the Planning Commission and City  
266 Council have reviewed and approved the Preliminary Development Plan, the Final Development  
267 Plan is created which incorporates the changes, additions, etc. from these two prior meetings.

268  
269 A review of the minutes of these meetings provided the developers with the necessary changes to  
270 the plan as well as other issues the Planning Commission desired the developer to address. The  
271 issues identified by staff are:

- 272  
273
  - Review the entrance on the south to evaluate the turning movements needed to access the  
274 credit union to the north of the entrance.
  - Evaluate the handicap parking needs to ensure adequate parking locations and number.

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

287  
288 Once the Planning Commission reviews these with the developer the Final Development Plan  
289 should be approved.

290  
291 Mr. Barker reviewed his staff memo. He also reviewed several renderings associated with the  
292 Final Development Plan. He noted the developer has addressed each bullet point in the staff  
293 memo and he provided an explanation of how the items have been addressed.

294  
295 Commissioner Quinney inquired as to the width of the residential property located behind the  
296 project. Mr. Barker stated it is 60 feet in width and there will likely be a City-initiated rezone  
297 request for the strip of property and it will be zoned commercial so it is compatible with the other  
298 properties in the area. He stated there will be a structure on the property associated with the  
299 storm water detention facility for the area that will be utilized by Smith's and IHC. Mr. Barker  
300 then continued his review of the bulleted items in the staff memo and concluded that staff  
301 recommends approval of the Final Development Plan.

302  
303 Brandon McDougal, Great Basin Engineering, stated he wanted to point out a couple of things  
304 relative to the Plan. He referenced the bullet point dealing with handicapped parking at the  
305 development and stated that they will add two additional stalls to address staff concerns. He then  
306 referenced the bullet point regarding the speeding concern behind the existing Smith's store. He  
307 noted that due to the positioning of the curb behind the store, it is not possible for someone to  
308 make a 'straight shot'. Commissioner Russell added there is also a speed hump in the alleyway.  
309 Mr. McDougal stated that is correct and noted the situation will be monitored.

310  
311 **Commissioner Quinney made a motion to approve the Final Development Plan for Smith's**  
312 **Marketplace, located at approximately 2500 N. 400 E., as presented, with the requirement**  
313 **that the Plan comply with the City Engineer's Report, items eight through 12.**  
314 **Commissioner Russell seconded the motion.**

315  
316 Mr. McDougal stated that he met with the City Manager today and the City has considered  
317 making changes to the storm drainage requirements for the project. Chairman Thomas stated  
318 storm drainage is addressed prior to item eight in the Engineer's Report.  
319

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

323

324 **Voting on the motion:**

325 **Chairman Thomas**            **yes**

326 **Commissioner Brown**       **yes**

327 **Commissioner Knight**       **yes**

328 **Commissioner Quinney**      **yes**

329 **Commissioner Russell**      **yes**

330

331 **The motion passed.**

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

336

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

342

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

346

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

357

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

362

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

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**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:**

<b>Chairman Thomas</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Knight</b>	<b>yes</b>
<b>Commissioner Quinney</b>	<b>yes</b>
<b>Commissioner Russell</b>	<b>yes</b>

**The motion passed.**

The meeting adjourned at 7:49 p.m.

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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