

NORTH OGDEN CITY COUNCIL MEETING MINUTES

December 15, 2015

The North Ogden City Council convened in an open meeting on December 15, 2015 at 6:09 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on December 11, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:

Brent Taylor	Mayor
Kent Bailey	Council Member
Lynn Satterthwaite	Council Member
Cheryl Stoker	Council Member
Phillip Swanson	Council Member
James Urry	Council Member

STAFF PRESENT:

Bryan Steele	City Administrator/Finance Director
Annette Spendlove	City Recorder/HR Director
Jon Call	City Attorney
Rob Scott	City Planning Director
Eric Thomas	Planning Commission Chairman

VISITORS:

W. LeRoy Davis	Jordan Bodily	Russell Crook
Heather Amaral	Eric Thomas	Gunnar Langhus
Steve Rasmussen	Slade Opheikens	Carl Turner
Jack Barrett	Kevin Vandermolen	Dale Berklund
Brian Suisse & Troop 429	Dawn Barrett	
Aiden & Lillian Barrett		

Mayor Taylor welcomed those in attendance. City Administrator/Finance Director Bryan Steele then offered an invocation. Patrol Leader Cordell Davis led the audience in the Pledge Allegiance.

CONSENT AGENDA

1. **DISCUSSION AND/OR ACTION TO CONSIDER NOVEMBER 24, 2015 CITY COUNCIL MINUTES**

Council Member Satterthwaite motioned to approve the November 24, 2015 City Council minutes. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Steve Rasmussen, 1092 E. 3250 N., stated he has attended several Council meetings over the last two years and he frequently comments about traffic control or alleviating some of the traffic problems in North Ogden. He applauds the City for having a transportation plan and identifying objectives and ways to address traffic concerns; one thing that has been discussed is funding options for transportation projects and this includes a transportation impact fee assessed on new development to provide increased funding for transportation projects. There is an item on the agenda tonight for approval of a fairly large subdivision in the City that represents bringing a great number of new residents to North Ogden over the next couple of years. He feels that everyone that drives on the roads should be participating in funding-needed transportation projects to avoid terrible traffic congestion. He would urge the City to delay approving any new subdivision until they have decided upon what the transportation impact fee should be. He stated that past City Councils should have put things in place to provide for future growth, but now it is the current City Council's responsibility to address this issue before it gets out of hand. New residents and businesses will bring more traffic and people to North Ogden and he would like to control how that happens.

LeRoy Davis, 2575 N. 700 E., stated he is present to discuss the Village at Prominence Point development. He commended the Council for planning for the future of the City and attracting more people to the community, but the development will include the first four-story building and it will be located directly across the street from the sign welcoming people to North Ogden. The four-story buildings will be hidden behind store fronts, just like the apartments that are hidden behind the "Welcome to North Ogden" sign and shrubs. He indicated he feels this is the municipal equivalent of the test of seeing how many people can be stuffed into a telephone booth in that the City is contemplating how many families can be located on 18 acres of land. He stated he is concerned how the development will look to people visiting North Ogden; the east and west sides of Washington Boulevard will contain apartment complexes at the City's entrance and he does not want North Ogden to be known for that.

Heather Amaral, 183 E. 1875 N., stated the Village at Prominence Point development will be in her backyard. She stated she wonders how many units can be located on 16 acres of property; the current number is 339 and she is very concerned about that. She knows the City Council is very concerned about the quality of the development, but she believes quality and quantity are connected to one another and though the building materials look nice, she cannot get over the

number of units. She stated she is aware that vacant land in the City can be developed very quickly and when she purchased her home she did not believe the vacant property would stay that way forever, but she was hoping for a development that would be less dramatic than what is being proposed in terms of scale. She asked that the Council take into consideration what the neighborhood wants; they would like single-family development on the property, though they understand they cannot always get what they want; however, a less dense development would protect property values and reduce noise and traffic.

Jordan Bodily, 163 W. Hancock Circle, recognized the owner of the property that could potentially be home to the Village at Prominence Point project in the future; he believes the developer is a very patient man and he has been working on this project for 13 years. He believes the project is likely to move forward and he will support it to the extent he can, but he has concerns about parking; he does not want Washington Boulevard and 1700 North to turn into parking lots. It may take quite a few years for buildings to become occupied so it may be a while before that happens, but he is hopeful that good businesses will move into the commercial buildings on the property. If parking is limited for the commercial areas, that will limit the type of businesses that can be attracted to the project. He concluded by indicating he is thankful for the work put in by the Mayor and City Council as well as the property owner.

Dale Berklund stated he is the Senior Patrol Leader of Boy Scout Troop 429 and indicated the Troop is present this evening to work on their communications merit badge.

2. **DISCUSSION AND/OR ACTION FOR USE OF COMMUNITY DEVELOPMENT AREA (CDA) ECONOMIC DEVELOPMENT FUNDS FOR THE RE-DEVELOPMENT OF THE OLD SMITH'S BUILDING.**

Mayor Taylor stated he is not ready to present this item to the City Council this evening; he pulled the item from the agenda and indicated it will be brought back to the Council once it is ready.

3. **DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT FOR THE VILLAGE AT PROMINENCE POINT**

Mayor Taylor briefly reviewed the history of development options for the subject property, noting that much work was done by a General Plan Steering Committee, the Planning Commission, and the City Council to consider the creation of a Mixed-Use Zone that incorporates higher density housing and commercial and retail uses. He stated in a survey conducted regarding the concept, there was strong support for such a development among the citizenry of the City. He noted that he was initially opposed to apartment complexes in the City, but since becoming Mayor he has met with several commercial brokers who have repeatedly told him that in order to attract quality commercial entities to the City – which will increase the City's tax base and keep property taxes low – it would be necessary to increase housing density to provide a sufficient number of residents to support businesses. He stated that having more business offerings in the City will preserve and improve the quality of life for residents, however, he is focused on ensuring that any commercial development is high quality. He stated

he understands that high density housing can carry with it some negative connotations, but he feels the development has been designed in a way that many of those negative aspects will be mitigated. He stated he has heard the concerns about the proximity of the development to an existing single-family residential development, but he noted that the high density and low density residential uses are buffered by a large assisted living care facility, which will also be a benefit to the community. He concluded the project has not been rushed and the Council has been very thoughtful in their review of the proposals over the course of at least a dozen meetings. He feels the project can be done in a way that it will enhance the community and he does not feel it will damage property values. He noted that the Council has visited several mixed-use developments throughout the State to develop a concept for the proposed development on the subject property. A development agreement has been negotiated and thoroughly vetted by City staff, specifically the City Attorney. He then introduced City staff, who will present the current proposal and review the development agreement; the developer and his associates, Jack Barrett, Gunnar Langhus, Eric Thomas, and Kevin Vandermolen, who will review the current design of the development. He stated the developer has put top dollar into the design and management of the project, which is something that has given him confidence throughout discussions regarding the project.

A staff memo from City Planner Scott explained when the City Council is acting as the land use authority, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

The applicant is requesting a map amendment to change the zoning for property at approximately 1750 North Washington Boulevard from Commercial Zone (C-2) to Master Planned Community Zone (MPC). The North Ogden General Plan and MPC zone were adopted on July 28, 2015 as an interim measure while the North Ogden General Plan was being updated. The North Ogden General Plan update was adopted on September 22, 2015. A form based code will eventually replace the MPC zone.

This application is the first to take advantage of the MPC zone designation. The purpose of the MPC zone is stated in 11-7K-1 Purpose:

The purpose of the Master Planned Community Zone is to provide opportunities for creative and unique developments within North Ogden City. This ordinance includes guidelines for creating neighborhood oriented village projects that may include a mix of residential, commercial, recreational and/or public uses.

An integral part of this Zone is a multistep review process to assure compatibility of proposed land uses with existing, and proposed adjacent neighborhoods, as well as the vision of the General Plan. The desired goal is to move toward vibrant, sustainable, and walkable neighborhood centers, with integrated streets.

Proposed plans for development must follow or exceed design standards found within this ordinance. Specific plans shall be a reflection of a required development agreement.

The Planning Commission and City Council have gone through an extensive process regarding this application. They held multiple joint discussions and participated in a field trip to review other similar completed projects in several cities.

The Village at Prominence Point, Phase 2 is a mixed use project with a combination of commercial and residential uses. The amenities consist of a club house and pool, trails, and open space. The Technical Review Committee met on August 24, 2015. There are specific requirements regarding the provision of storm water, sanitary sewer, culinary water, and secondary water.

The following is a summary of the project reflecting refined project numbers:

- Housing: 339 apartment units- a combination of one, two, and three bedroom units.
- Density: 22.5 units per acres / the MPC zone allows a range of 18 to 40 units per acre.
- Commercial: 26,236 square feet
- Pedestrian areas including sidewalks and plaza cover approximately 13% of the site (207,924 square feet)
- Drivable surfaces will cover approximately 37.% of the site (297,982 square feet)
- Landscaping will total at least 20% of the site
- Total Building Footprint: The building footprint will occupy approximately 22% of the site.
- Parking: 606 residential parking stalls with 90 garages, 180 carport spaces, 229 open space parking, 90 tandem spaces, & 17 clubhouse parking. 107 commercial stalls with 13 along Washington Blvd. There are also at least an additional 50 parking stalls for visitors on 1700 N. and some shared parking at night with commercial space for a total of 693 residential stalls.
- Streets: All internal streets are shown as private streets. The westerly north south street is a private street with public access.
- Trails and Sidewalks: The design shows a 20 foot wide sidewalk along Washington Boulevard, a 6 foot wide sidewalk along 1700 North, internal sidewalks vary between 6 and 7 feet. The trail system has 10 foot wide trails.
- Phasing: The project is projected to have five phases, the first four being residential with commercial being the final phase depending upon market conditions. The first phase will have the clubhouse in it.

11-7K-9 MASTER PLANNED COMMUNITY ZONE CONFLICTS WITH OTHER REQUIREMENTS IN THE CITY CODE

When the requirements of this chapter are found to be in conflict with other provisions of the City Code, the standards, requirements, and processes of this chapter shall take precedence, especially where a development agreement has been approved.

The Master Planned Community zone provides ultimate flexibility in applying design options for an applicant and the City. Where provisions conflict with existing code they may be modified in the required development agreement. There are several design issues in this project that are being

requested, e.g., a modification of the parking requirement standard. As the Planning Commission reviews this project these standards should be identified and a recommendation made to the City Council regarding these modifications.

There are three areas where allowances are being considered: parking, building heights, and the west north / south roadway design. Parking numbers are reflected above; the taller buildings will be 51 feet, and the north / south roadway will be a private road with 26 feet of pavement with public access.

11-7K-5 DEVELOPMENT STANDARDS The application addresses the design standards and they are met with the noted exceptions above. The development agreement has the following exhibits that address these standards:

- A. Legal Description (submitted)
- B. Site Plan
- C. Landscape Plan (concept)*
- D. Floor Plans
- E. Building Elevations
- F. Site Data ZMA 2015-04
- G. Building material board and color palette
- H. Fire Plan. To be submitted by this Friday.
- I. Signage (concept)**
- J. Commercial Development Elevations
- K. Detention Basin Park

*The landscaping plan is a concept plan. A provision will be included in the development agreement that addresses the final approval process of the landscape plan, e.g., a final landscape plan will be approved by either Staff or the Planning Commission. The final landscape plan will include a plant species list, number of plants, and tree sizes consistent with 11-7K 5 (G) and (L)

**The final design for signs will be addressed at the time of the building permit application.

Other provisions that are included in the development agreement that the City Council should pay particular attention are the maintenance plan and the list of allowed and prohibited uses.

The following excerpt from the General Plan describes the parameters for using the Master Planned Community Zone:

Residential Development

Multi-family residential areas traditionally include rental apartments and condominiums and are often located along major arterial streets, adjacent to community commercial centers, or adjacent to existing multi-family developments. Multi-family residential areas also allow for business and professional offices which can be creatively mixed with housing areas. The appropriate location of this type of land use can provide residential dwellings adjacent to commercial developments to create a downtown environment. Appropriate areas lie generally along Washington Blvd. and 2600/2700 North. In the General Plan, these areas are suggested to complement more intense commercial uses and buffer adjacent single family homes. The zones used to accommodate

higher densities are the R-3, R-4, and the Master Planned Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the community goals of creating higher quality buildings and better site design.

Commercial Development

North Ogden's goals and policies concerning commercial developments address the aesthetics and location of commercial developments. The desire of City officials is to provide an attractive, pleasing environment in which to shop or work within a commercial core. Enough vacant property exists in North Ogden to accommodate future commercial growth. In order to function efficiently, proposed commercial developments should be evaluated for adequate internal circulation for automobiles and pedestrians with limited access points to the major streets serving the developments.

Within the commercial areas, a mix of uses is anticipated. Civic, office, retail, entertainment, small business, and higher density housing should be combined to create a diverse mix of uses that provides a wide variety of housing options and reasons for people to gather and linger. The zones used to accommodate higher densities are the R-3, R-4, and the Master Planned Community (MPC) zones. The MPC zone relies on a development agreement to accomplish the community goals of creating higher quality buildings and better site design.

The focus of commercial development in North Ogden should be to provide services that support the resident population of the City and adjacent areas. Regional commercial centers would be inconsistent with citizen desires and the direction of this Plan.

The memo offered the following summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- Is the MPC request appropriate for this neighborhood?
- Does the application meet the purpose / intent of the MPC zone?
- Are the modifications for parking, building heights, and west roadway private street design appropriate?
- Is the development agreement acceptable to the City Council?

The memo concluded the Planning Commission is recommending approval of the zone change from C-2 to MPC-VPP. The Planning Commission has not been involved in the development agreement review process. The final development agreement along with all of the exhibits will be forthcoming.

Mr. Scott reviewed his staff memo. He and City Attorney Call then reviewed the proposed development agreement (included in the Council packet) page by page. There was brief general Council and staff discussion throughout the review of the document. In conjunction with the review of the development agreement, Mr. Scott and Architect, Gunnar Langhus, then reviewed exhibit B to the development agreement, with is the site plan for the project. There was a brief focus on setbacks and the fact that front setbacks are being reduced along 1700 North and Washington Boulevard to create a more walkable development. Mr. Scott then reviewed exhibit

F to the development agreement, which is a document summarizing the number of residential units, the layout of the units, the amount of retail space, the amount of green space, and the total amount of parking areas. Mr. Scott and Mr. Langhus also reviewed exhibit E, which provides the building elevations for each of the buildings proposed to be built within the development. Mr. Langhus noted the buildings have been designed in way to provide uniformity, yet the design meets the City's requirements in terms of providing differing elements and elevations. Mayor Taylor emphasized that no two of the same buildings will be next to one another. This will help to ensure that the layout and design of the project is aesthetically pleasing, interesting, and beautiful. Council Member Bailey asked that the development agreement and building specifications be changed to ensure that the roofing materials used on the project are the type that would provide a 40-year roof. He stated he would also like to ensure that quality products are used on the window trim to prevent water leakage and that all wood materials and cementitious siding used on the buildings are primed or properly sealed in a manner that will essentially water proof it and prevent leakage. He also asked that language be added to the development agreement to call for the use of Millgard Montecito windows or a similar grade.

Mr. Scott then reviewed the open space plan and landscape plan; throughout his review of these documents, there was a discussion of the residential density of the development. Mayor Taylor stated that considering all building space in the development, the density is 18 units per acre, but when considering just the residential space in the development the density is 22.5 units per acre.

The Council took a break at 8:20 p.m. The meeting reconvened at 8:29 p.m.

Mr. Scott continued his review of the development agreement. He noted that the entire development agreement and all exhibits will be reviewed by the City's Technical Review Committee to ensure compliance with City Code and rules of regulations of other entities that may have some control over the property. Mayor Taylor noted that any approval given tonight will be contingent upon Technical Review Committee approval.

Council Member Bailey asked that language be added to the development agreement that requires the developer to follow the City's Code with selected trees to be planted throughout the development. The Council then continued recommending grammatical and rewording edits to the development agreement.

Mr. Scott reviewed the lighting plan for the project, after which Council Member Bailey asked if any lighting in the project will become the responsibility of the City. Mr. Scott noted that lighting along 1700 North and Washington Boulevard will be the responsibility of the City. Council Member Bailey asked that language be included in the development agreement to ensure that lighting is done in accordance with Public Works Standards and receives approval of the Technical Review Committee. Mr. Scott moved to his review of the section of the development agreement dealing with the responsibility and authority of the Technical Review Committee to address Council Member Bailey's concerns. Mr. Call then reviewed the 'legalese' included in the agreement, noting it is standard language for these types of development agreements.

Mr. Barrett then addressed the Council and stated that he has been working to obtain cost estimates from contractors who work on these types of projects; he has narrowed the group of

contractors to three, who are all locally based. Those three will begin refining their numbers and if the plan is approved by the Council tonight, he will select a contractor early in January of 2016. He added he would like to break ground in April. Mayor Taylor inquired as to the portion of the project that he would begin with. Mr. Barrett stated he has yet to determine the phasing of the project.

Council Member Satterthwaite emphasized that the City Council has been very thoughtful in consideration of this proposal. Council Member Stoker agreed; she noted the Council has performed its due diligence. She stated she and other members of the Council were initially not comfortable with the proposal to develop a mixed use project in the City, but they accepted the fact that it would likely happen in the future and it would be best for the City to determine how such a project would be completed in the City. She reiterated that the Council has visited other similar projects in the State and there are some that are of very high quality; she feels it will be possible to accomplish that same thing in North Ogden. Council Member Urry stated that if the Council would have been asked to vote on this proposal one year ago, the vote would have been four to one, with himself being the only member voting in favor of the proposal and that is because he feels strongly about property rights. He stated that he has listened to the Council ask Mr. Barrett several questions in order to properly vet the project and that has helped to ensure it will be a quality project. He noted that when the Council visited the project in Draper he noticed very expensive vehicles parked in the driveways and garages of the units and when he asked the project manager about that fact he was informed that the residential units draw high rents and many wealthy people desire to live in a setting where they do not have a yard to take care of and they have more freedom. He stated he feels it is appropriate to provide a similar setting for quality residents in North Ogden.

Council Member Swanson stated he is thankful that the Council had the opportunity to consider the project for the past year; he feels the Council has thoroughly vetted the project to ensure it is good for North Ogden now and in the future.

Council Member Satterthwaite motioned to approve Resolution 22-2015 approving a Development Agreement for the Village at Prominence Point as amended and contingent on review by the Technical Review Committee. Council Member Urry seconded the motion.

Mayor Taylor briefly summarized the edits to the agreement (see attached amended agreement).

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE TO REZONE LAND LOCATED AT APPROXIMATELY 1750 NORTH WASHINGTON BOULEVARD FROM COMMERCIAL ZONE (C-2) TO MASTER PLANNED COMMUNITY ZONE (MPC-VPP)**

Council Member Swanson motioned to approve Ordinance 2015-27 to Rezone land located at approximately 1750 North Washington Blvd. from Commercial Zone (C-2) to Master Planned Community Zone (MPC-VPP). Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE SETTING THE TIME, PLACE, AND DATE FOR THE 2016 CITY COUNCIL AND PLANNING COMMISSION MEETING SCHEDULES**

A memo from City Recorder Spendlove explained the City Council of each municipality shall by ordinance prescribe the time and place for holding its regular meetings §10-3-502. The current schedule is the second, third, and fourth Tuesdays of each month at 6:00 p.m. unless otherwise noted and the first Tuesday at 6:00 p.m. for work sessions or regular meeting. As part of the Ordinance we have included the Planning Commission aka (Land Use Authority) current schedule which is the first and third Wednesday of each month at 6:30 p.m. and the second Wednesday as needed.

Ms. Spendlove reviewed her memo.

Council Member Bailey motioned to approve Ordinance 2015-28 setting the Time, Place, and Date for the 2016 City Council and Planning Commission Meeting Schedules. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

6. **DISCUSSION AND/OR ACTION TO CONSIDER A CLOSED MEETING TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY AND REGARDING THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL**

Mayor Taylor stated that given the late hour, he would like to postpone this item until next week.

7. **PUBLIC COMMENTS**

LeRoy Davis stated it appears North Ogden is growing up; however, he did not hear any discussion about two items of concern relative to the Village at Prominence Point project. He stated the first is related to dogs. He has lived in an apartment with dogs and he is sure there will be residents in the development who own dogs and it would be nice to provide a dog park for them nearby. He added that it may be a good idea to provide bicycle lockers to allow residents to lock their bikes in areas that are out of the weather and are more secure. Mayor Taylor stated that would be a good idea for the development.

Steve Rasmussen stated that in the plans for Village at Prominence Point he noticed an additional access onto Washington Boulevard and that is somewhat concerning to him due to the increasing traffic on the road. He wondered if the City will participate in a traffic study with the Utah Department of Transportation (UDOT) to provide for safe ingress and egress from the project. Mayor Taylor stated that the access points will be reviewed by the Technical Review Committee; however, UDOT has already approved two access points for the subject property and Mr. Barrett has vested rights to those access points. He added the City has spoken with UDOT regarding the potential of traffic signals and turn-only arrows and they have indicated that such facilities will be provided as warranted. Mr. Rasmussen then addressed transportation impact fees and stated that if the developer applies for permits before the fee is enacted he will not be required to pay it. He urged the Council to consider some way to ensure that the fee is assessed retroactively on the project as it will increase traffic in the area.

Mr. Barrett thanked the Mayor and Council for the time and consideration they have given his project; he also wished those present a happy holiday season.

8. **COUNCIL/MAYOR/STAFF COMMENTS**

Council Member Swanson addressed Mr. Barrett and stated that he is still somewhat nervous about the Village at Prominence Point project and he asked that Mr. Barrett not let the City down. He stated he is looking forward to the project adding to North Ogden in a positive way.

Council Member Urry reiterated that he supports property rights, but he appreciates the manner in which the Council engaged the developer to properly vet the project. He addressed Mr. Rasmussen's comments about traffic on Washington Boulevard and he noted he is hopeful that people living in or visiting the development will choose to travel to the two nearby traffic signals in order to make a left hand turn onto Washington Boulevard. He then noted that he received a recent phone call from a neighbor who complained about a large pile of sawdust at the top of

1700 North that is creating a nuisance for people trying to travel through the area. Mayor Taylor stated he will look into the issue.

Council Member Satterthwaite stated he appreciates Mr. Barrett's willingness to work with the City to allow the Council to perform their due diligence regarding the Village at Prominence Point project. It has been the Council's approach, along with the Mayor, to carefully evaluate and study new items in enough depth to become comfortable and they also work to be very transparent and provide multiple opportunities for public input. He stated he has witnessed residents attend a meeting being initially opposed to a project, but those same people left the meeting feeling comforted by the fact that the Council took the appropriate amount of time to consider a change that could ultimately benefit the City.

Council Member Stoker stated she was on the Planning Commission when Mr. Barrett initially approached the City with a proposal for developing his property and she was not comfortable with it. Mr. Barrett has changed his approach and allowed the Council time to consider it and she thanked him for his patience. She then addressed Mr. Rasmussen and stated he was instrumental in getting a flashing light installed on 3100 North; she stated some residents are in need of his influence again to get a similar light installed at the bottom of 1050 East at 2600 North. Two weeks ago there was a three car accident at the intersection and something is needed there before something worse happens. She challenged Mr. Rasmussen to work on that project.

Council Member Bailey stated he received a phone call from a resident today who was very unhappy about a pile of snow pushed at the end of his driveway; a Public Works employee used a grader to plow 1050 East and when he turned onto the resident's street, the first three houses were left with large piles of snow at the end of their driveways. Ms. Spendlove stated that she received the same phone call; the employee was driving a new truck with a wing on the snowplow and he is getting used to operating it. The Department is aware of the problem and will address it tomorrow. Mayor Taylor stated that the snow plowing is going well in general, but he appreciates feedback from the residents about issues that may arise.

Mayor Taylor briefly reviewed a presentation to provide the Council with an update regarding the work being done by the Economic Development Committee. They are proposing a beautification project that calls for the placement of flower planters, benches, and garbage cans throughout the City and the first molds for the items have been completed and they are beautiful. He reviewed photographs of the items and discussed how their design has evolved since the project was initially contemplated. The items will be purchased and placed along the commercial corridor of the City in three or four phases and the intent is for the City and businesses to share in the costs of the items. He added the Council has approved a budget for public art and the Committee is working to design wraps that will be used to cover unattractive utility boxes throughout the City. The UDOT has granted the City approval to wrap their boxes at major intersections in the City; North Ogden will be the first city in Weber County and the second in the State to complete this type of project. He is still working with Rocky Mountain Power to gain approval to wrap their boxes. He then provided the Council with an update regarding the progress of the creation of the Commercial Development Area (CDA); all other taxing entities, with the exception of the Water Conservancy District, have approved it. There are a few potential projects for the CDA that will be coming before the Council soon; participation in the

construction of 1700 North in relation to the Village at Prominence Point project was one of the projects qualifying for CDA participation. He stated there are a lot of great things in motion in the City.

9. **ADJOURNMENT**

Council Member Swanson motioned to adjourn. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 10:01 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a legislative application to amend the North Ogden Zoning Ordinance to add the R-2 (A) residential zone.

Agenda Date: November 24, 2015

Applicant: Ron Russell

File Number: ZTA 2015-07

Public Notice: Mailed to adjacent property owners within 300' on November 12, 2015
Placed in newspaper November 14, 22, 2015

STAFF INFORMATION

Robert O. Scott, AICP
rscott@nogden.org
(801) 737-9841

PROPERTY INFORMATION

Project Area: Scottsdale PRUD
Address: 500 East 2175 North
Zoning: R-2 Single Family Residential
Proposed Zoning: R-2 (A) Single Family Residential

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-1-4 (Changes and Amendments)
North Ogden Zoning Ordinance 11-7F (Residential Zone (R-2))
North Ogden Zoning Ordinance 11-7L (Residential Zone (R-2 (A)))

TYPE OF DECISION

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

BACKGROUND

This map amendment rezone request is to allow the former Scottsdale Estates PRUD area to lessen its required minimum vegetative open space from fifty percent (50%) to twenty-five percent (25%).

On November 24, 2015 the City Council held two related public hearings on this matter. The City Council requested Staff to research if the 50% open space requirement was in place at the time when the Scottsdale PRUD was approved (October, 1994). Staff has researched this information and found that the 50% open space requirement was not in place in 1994. The first time it clearly shows in City ordinances is 2002.

There are four lots that have installed RV pads in the Scottsdale Estates PRUD; these lots do not meet

the 50% open space standard. These lots are non-conforming as to the 50% open space standard. New letters were sent informing these property owners that no enforcement action will be taken and the nonconformity may impact any future building that the owners may desire.

The origin of this amendment is that the applicant submitted a request to add a RV pad. This request was denied because it did not meet the zoning ordinance site standard of having a minimum 50 % of the lot left in vegetative open space. The proposed concrete RV pad would make the lot have approximately 25% vegetative open space.

The applicant requested that they be allowed to have concrete pads just like a handful of his neighbors had put in. This subdivision was created originally as the Scottsdale Estates PRUD in October 1994. This subdivision has 24 lots; when the subdivision was recorded it was in an R-4 residential zone. It would have also been subject to the PRUD ordinance standards in 1994. This area was rezoned from the R-4 zone to the R-2 zone in October 1998.

500 East is a private road, where each lot line goes into the center of the road. The city maintains the public utilities.

The existing applicable ordinances are as follows:

11-2: DEFINITIONS

Minimum Vegetative Area: "The minimum area required to be vegetated to comply with the open space requirements of the city."

Open Space: "Any parcel or area of land or water unimproved or improved only with landscaping, bowery, picnic tables, playground equipment, or other improvements typically associated with outdoor recreation and set aside, dedicated, designated or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space."

11-7- F R-(4) / R-2 SITE DEVELOPMENT STANDARDS

E: MINIMUM VEGETATIVE OPEN SPACE LOT: FIFTY PERCENT (50%).

The Planning Commission discussed various options on how to accommodate Mr. Russell's request at a meeting that was held September 2, 2015. The Planning Commission directed an ordinance be prepared creating the R-2 (A) zone for the area known as the Scottsdale Estates PRUD. It would have the same standards, as its current zoning classifications except the site standard of 50% minimum vegetative open space would now be 25% minimum vegetative open space. This zone would be called R-2 (A).

CONFORMANCE TO THE GENERAL PLAN

The applicable General Plan Vision statements are as follows:

North Ogden City will continue to be a community of beautiful homes and friendly people that capitalizes on the impressive setting beneath the slopes of Ben Lomond peak. North Ogden will strive to:

Assure that North Ogden remains a beautiful place to live, work, and recreate

Assure improved visual quality for all types of development

Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden

The applicable General Plan goals are as follows:

Housing Goals

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

Housing Strategies

- Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.

CITY COUNCIL CONSIDERATIONS

- Is the Residential Zone R-2 (A) zone amendment consistent with the General Plan?
- If the proposed Residential Zone R-2 (A) amendment zone appropriate?

PLANNING COMMISSION RECOMMENDATION

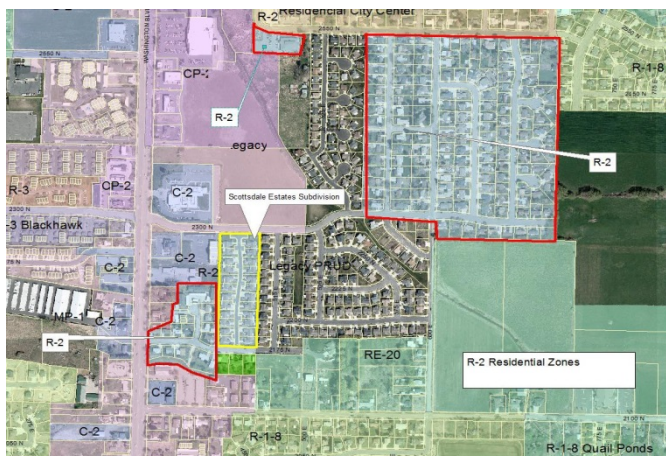
The Planning Commission recommends denial of rezoning the Scottsdale PRUD to R-2(A) based upon the desires of subdivision residents.

If the City Council decides not to apply the R-2(A) zone to this property then the Planning Commission recommends not adopting the R-2(A) zone.

EXHIBITS

- A. Application
- B. Final Ordinance
- C. Planning Commission Minutes, September 2, 2015 and October 7, 2015

ZONING MAP



ORDINANCE 2016 -

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE NORTH OGDEN CITY ZONING ORDINANCE BY CREATING A NEW RESIDENTIAL ZONE; THE RESIDENTIAL ZONE R-2-(A).

WHEREAS: North Ogden City has adopted a General Plan; and

WHEREAS: the North Ogden City General Plan map has various designations including the Residential Low Density classification; and

WHEREAS: the North Ogden City General Plan designation of Low Density Residential, allows for varying zones; and

WHEREAS: the Residential Zone R-2 (A) if found to be an appropriate new zone; and

WHEREAS: the North Ogden City Council has also found this application is consistent with the North Ogden City General Plan.

SECTION 1. The following Residential Zone R-2 (A) is enacted as shown on Attachment A.

SECTION 2. This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 12th day of January 2016.

North Ogden City:

Brent R. Taylor
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Satterthwaite:	___	___
Council Member Swanson:	___	___
Council Member Stoker:	___	___
Council Member Turner:	___	___
Council Member Urry:	___	___
(In event of a tie vote of the Council):		
Mayor Taylor	___	___

ATTEST:

S. Annette Spendlove, MMC
City Recorder

Attachment A

ARTICLE L: RESIDENTIAL ZONE R-2 (A)

- 11-7L-1: PURPOSE AND INTENT
- 11-7L-2: PERMITTED USES
- 11-7L-3: CONDITIONAL USES
- 11-7L-4: SITE DEVELOPMENT STANDARDS
- 11-7L-5: SIGN REGULATIONS
- 11-7L-6: SITE PLAN APPROVAL

11-7L-1: PURPOSE AND INTENT

The purpose of the R-2 (A) zone is to provide residential areas that will accommodate the development of dwelling types from single-family through two-family dwelling units, with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

11-7L-2: PERMITTED USES

The following uses shall be permitted:

Accessory buildings and uses customarily incidental to any permitted use.

Agriculture. The use of agricultural equipment that produces excessive noise and/or light may only be used during normal hours of work allowed in the city or by variance to the hours allowed by the city council.

Church, synagogue or similar permanent building used for regular religious worship.

Educational institutions, public schools, private parks, playgrounds, and recreational areas that meet the requirements of section [11-10-14](#) of this title.

Golf course, except miniature golf.

Home daycare center for up to nine (9) people. The operator must be a resident of the home. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.

Home occupations.

Home preschool for up to nine (9) children and no session shall be longer than four (4) hours. The operator shall be a resident of the home. The preschool area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house,

whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.

Household pets.

Planned residential developments which comply with the provisions of [chapter 11](#) of this title.

Public buildings, public parks, recreation grounds and associated buildings.

Residential facility for disabled persons in accordance with section [11-10-28](#) of this title.

Single-family dwellings.

Temporary buildings, structures and uses incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

Two-family dwellings and twin homes.

11-7L-3: CONDITIONAL USES

The following uses shall be permitted only when authorized by a conditional use permit as provided in [chapter 14](#) of this title:

Cemeteries with customary incidental buildings.

Home daycare center in the operator's residence for more than nine (9) people, but not more than twelve (12) people, plus supervisory personnel. An annual review by the planning commission is required. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.

Model homes, master planned village sales and information centers, and temporary sales trailers in accordance with section [11-10-20](#) of this title.

Preschools in the operator's residence, that operates four (4) or less hours per session a day and teaches more than nine (9) children, but not more than fourteen (14) children, plus supervisory personnel. An annual review by the planning commission is required. The preschool shall not exceed three hundred (300) square feet of the home or twenty five percent (25%) of the total living space of the home, whichever is less. The preschool area of the home shall conform to the standards of IBC table 1003.2.2.2.

Private park, playground or recreation area, but not including privately owned commercial amusement business.

Public utility substation in accordance with the standards stated in section [11-10-15](#) of this title.

11-7L-4: SITE DEVELOPMENT STANDARDS

1. Minimum lot area:
 1. Interior with single-family dwelling: Eight thousand (8,000) square feet.
 2. Interior with two-family dwelling or other main building: Twelve thousand (12,000) square feet.
 3. Corner with single-family dwelling: Nine thousand (9,000) square feet.
 4. Corner with two-family dwelling or main building with other than dwelling: Twelve thousand (12,000) square feet.
 5. Twin homes: Twelve thousand (12,000) square feet.
2. Minimum lot widths:
 1. For a single-family dwelling at a distance thirty feet (30') back from the front property line: Eighty feet (80').
 2. For a two-family dwelling at a distance thirty feet (30') back from the front property line: Ninety feet (90').
3. Minimum yard setback:
 1. Front: Thirty feet (30').
 2. Side:
 1. Dwelling: Eight feet (8').
 1. Exception: The total of the two (2) side yards shall not be less than eighteen feet (18').
 2. Exception: On interior lots where there is an attached garage with the required number of parking spaces, each side yard may be eight feet (8').
 2. Other main buildings (each side): Twenty feet (20').
 3. Twin home: Eighteen feet (18').
 3. Side facing street on corner lot: Twenty feet (20').
 4. All utility easements must be maintained in an open state, unless written permission is secured from all utility companies to place a structure over the easements.
 5. Rear:
 1. Main building: Twenty feet (20').
 2. There shall be provided a minimum spacing between main and accessory buildings of at least six feet (6').
 6. Building height:
 1. Minimum: Ten feet (10').
 2. Maximum: Thirty five feet (35').
4. Accessory buildings:
 1. Minimum setback requirements:
 1. Three feet (3') from the property line.
 2. Large accessory building, fifteen feet (15').
 3. Six feet (6') from the main dwelling.
 2. Building height:

1. Maximum: Fifteen feet (15') if set back three feet (3') from property line.
 1. Exception: Twenty five feet (25') if set back twenty feet (20') from the property line and sixty feet (60') from a neighboring dwelling.
 2. Exception: On parcels larger than one acre location proposed closer than fifteen feet (15') may be allowed by conditional use permit.
3. No accessory building or group of accessory buildings shall cover more of the rear yard than twenty five percent (25%).
4. No building or group of buildings with the accessory buildings shall cover more of the total lot area than thirty five percent (35%).
5. Minimum vegetative open space lot: Twenty Five percent (25%).

Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action on a legislative application to rezone property known as the Scottsdale PRUD from R-2 to the R-2(A) residential zone.

Agenda Date: January 12, 2016

Applicant: Ron Russell

File Number: ZMA 2015-05

Public Notice: Mailed to adjacent property owners within 300' on November 12, 2015
Placed in newspaper November 14, 22, 2015

STAFF INFORMATION

Robert O. Scott, AICP
rscott@nogden.org
(801) 737-9841

PROPERTY INFORMATION

Project Area: Scottsdale PRUD
Address: 500 East 2175 North
Zoning: R-2 Single Family Residential
Proposed Zoning: R-2 (A) Single Family Residential

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-1-4 (Changes and Amendments)
North Ogden Zoning Ordinance 11-7F (Residential Zone (R-2))
North Ogden Zoning Ordinance 11-7I (Residential Zone (R-2 (A)))

TYPE OF DECISION

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

BACKGROUND

On November 24, 2015 the City Council held two related public hearings on this matter. The City

Council requested Staff to research if the 50% open space requirement was in place at the time when the Scottsdale PRUD was approved (October, 1994). Staff has researched this information and found that the 50% open space requirement was not in place in 1994. The first time it clearly shows in City ordinances is 2002.

The previous item considered the establishment of the R-2 (A) Zone. The City Council should consider whether or not to apply this zone to the property.

The Planning Commission conducted a public hearing on this application on October 7, 2015. The details of the items discussed are contained in the R-2 (A) zone staff report. There were many neighbors who attended the hearing with some supporting the request and others objecting to it.

CONFORMANCE TO THE GENERAL PLAN

The General Plan identified this area to be within the Southtown neighborhood. The General Plan map shows this area in the single family low density classification.

The applicable Zoning and Land Use Policies are as follows:

General Guidelines:

- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.

Staff comment: This development is not under transition. The project has been in existence since 1994. The policy question before the City Council is should a standard be adopted to allow a new RV pad consistent with previous RV pads?

Residential Guidelines:

- Require excellence in design.

Staff comment: The policy question in this instance is whether or not allowing a reduction in open space will harm this neighborhood?

CITY COUNCIL CONSIDERATIONS

- Is the Residential Zone R-2 (A) zone amendment consistent with the General Plan?
- If the proposed Residential Zone R-2 (A) amendment zone appropriate?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends denial of rezoning the Scottsdale PRUD to R-2 (A) based upon the desires of subdivision residents.

If the City Council decides not to apply the R-2 (A) zone to this property then the Planning Commission recommends not adopting the R-2 (A) zone.

EXHIBITS

A. Application

B. Final Ordinance

C. Planning Commission Minutes, September 2, 2015 and October 7, 2015

ORDINANCE 2016 -

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE NORTH OGDEN CITY ZONING MAP BY CHANGING PROPERTY KNOWN AS THE SCOTTSDALE PRUD SUBDIVISION AT APPROXIMATELY 500 EAST 2175 NORTH FROM RESIDENTIAL ZONE R-2 TO RESIDENTIAL ZONE R-2-(A).

WHEREAS: North Ogden City has adopted a General Plan; and

WHEREAS: the North Ogden City General Plan map has designated the aforementioned property as Residential Low Density classification; and

WHEREAS: the North Ogden City General Plan designation of Low Density Residential, allows for varying zones; and

WHEREAS: the North Ogden City Planning Commission has found that this application is consistent with the North Ogden City General Plan; and

WHEREAS: the North Ogden City Council has also found this application is consistent with the North Ogden City General Plan.

SECTION 1. The following described property is hereby changed from Residential Zone R-2 to Residential Zone R-2 (A) as shown on Attachment A.

SECTION 2. This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 12th day of January 2016.

North Ogden City:

Brent R. Taylor
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Satterthwaite:	___	___
Council Member Swanson:	___	___
Council Member Stoker:	___	___
Council Member Turner:	___	___

Council Member Urry: _____

(In event of a tie vote of the Council):

Mayor Taylor _____

ATTEST:

S. Annette Spendlove, MMC
City Recorder

Attachment A

