



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Approval of a Conditional Use Permit for an auto repair and service shop located at 4022 North 3500 East Liberty, UT
Agenda Date:	Tuesday, November 25, 2014
Applicant:	Dog and Bone, LLC
Authorized Agent:	Justin Pack
File Number:	CUP# 2014-25

Property Information

Approximate Address:	4022 North 3500 East Liberty, UT
Project Area:	1.10 Acres
Zoning:	Commercial Valley-2 (CV-2)
Existing Land Use:	Vacant
Proposed Land Use:	Commercial Development
Parcel ID:	22-010-0064 & 22-010-0065
Township, Range, Section:	Township 7 North, Range 1 East, Section 20

Adjacent Land Use

North:	Vacant Land	South:	Agricultural/Residential
East:	Agricultural	West:	Residential/Agricultural

Staff Information

Report Presenter:	Ronda Kippen rkippen@co.weber.ut.us 801-399-8768
Report Reviewer:	SW

Applicable Ordinances

- Title 101, Chapter 1, General Provisions, Section 7, Definitions
- Title 102, Chapter 4, Land Use Permit, Building Permit and Certificate of Occupancy
- Title 104, Chapter 21 Commercial Valley (CV-2) Zones
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 16 Ogden Valley Lighting
- Title 110, Chapter 2, Ogden Valley Signs

Summary

The applicant is requesting approval of a conditional use permit for an auto repair and service shop to be located at approximately 4022 North 3500 East Liberty, UT. The proposed site is currently vacant; the applicant would like to construct the first phase of the development to enable them to quickly complete the work on the portion of the building that the proposed use will occupy. The applicant will need to install all site improvements in conjunction with the initial phase of construction.

The Ogden Valley does not have an auto repair and service shop causing many residents to pay to have their vehicles towed to downtown Ogden to receive the necessary services and/or repairs. The proposed use will be beneficial to the residents of the Ogden Valley by providing automotive and farm equipment services and/or repairs. The proposed site is in the Commercial Valley-2 (CV-2) Zone and is allowed only when authorized by a conditional use permit. The CV-2 Zone has been established to provide goods and services that are not typically found amongst commercial areas within resorts including automotive sales and service. Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) already specifies certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application appears to meet these standards. The following is staff's evaluation of the request.

Background

The subject property, located in the Liberty area, was split by the Agricultural Valley-3 (AV-3) Zone and Commercial Valley-2 (CV-2) Zone. The applicant, desirous to create one contiguous commercial zone, petitioned Weber County in 2007 for a rezone from AV-3 Zone to CV-2 Zone. The rezone request was approved by the Weber County Commission and a Zoning Development Agreement was entered into on November 13, 2007 after receiving a positive recommendation by the Ogden Valley Planning Commission. In 2009, the applicant petitioned the County to amend the Zoning Development Agreement deadline requirements. The Weber County Commission approved the request to amend the Zoning Development Agreement request as recommended by the Ogden Valley Planning Commission on November 24, 2009.

The applicant currently has petitioned the County to amend the conceptual development plan that was made part of the approved Zoning Development Agreement. The revised conceptual development plan is essential to facilitate the proposed conditional use. The conditional use permit will be contingent on the approval of the proposed amendment to the Zoning Development Agreement.

Analysis

General Plan: The Ogden Valley General Plan identifies the need to encourage commercial development in the Ogden Valley by balancing commercial development and residential growth and that such development occur in a manner that does not detract from the area's character. (*see the 1998 Ogden Valley General Plan § 5 Commercial Development*).

Zoning: The LUC §104-21-1 has identified the need to provide suitable areas for the location of various types of commercial activity needed to serve the people of the Ogden Valley. The CV-2 Zone has been established for "General Commercial" and can be further described per the LUC §104-21-1(c) as follows:

"The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices."

The CV-2 Zone has specific standards identified in the LUC §104-21-2 that shall be met as part of the development process. Those standards are as follows:

- Minimum lot area: None
- Minimum lot width: None
- Minimum yard setbacks:
 - Front: 20' unless the requirements listed in §104-21-4(c) Special Regulations are met
 - Side: None, except 10' where a building is adjacent to a forest, agricultural, or residential zone boundary
 - Rear: None, except 10' where a building is adjacent to a forest, agricultural, or residential zone boundary
- Building height:
 - Minimum: 1 story
 - Maximum: 35'
- Maximum lot coverage: 60% of lot area by buildings or accessory buildings

The current configuration of the property is on record with the Weber County Recorder's Office as two separate parcels (see Exhibit A). The larger parcel identified as Parcel# 22-010-0064 consists of approximately 43,583 square feet (1.0 acres). The smaller parcel identified as Parcel# 22-010-0065 consists of approximately 4,497 square feet (0.103 acres). The subject parcels are considered "Lots of Record" meaning they currently exist in the same size and configuration as they were on record with the Weber County Recorder's Office prior to January 1, 1966. The applicant is currently working to combine the parcels to match the proposed site plan (see Exhibit B). A condition of approval is necessary to ensure that the adequate deeds have been recorded to combine the parcels as reflected on the site plan. With this condition in place, the proposed site plan meets the required side and rear setbacks per the zone as well as the required site development standards for the CV-2 zone regarding minimum lot area, lot width, building height and lot coverage. A more in-depth analysis of the front setbacks is required based on the applicant's proposal.

The front property line currently runs along the centerline of Highway 162/3500 East. Because of the legal existence of the parcels, the subdivision process is not required prior to development on the property; however, right of way dedication is required based on the LUC §108-7-19 which states:

“(a) An applicant for a land use and building permit for property which abuts and has access from a substandard dedicated street or public by right of use road, shall, as a condition of issuance of such permits, be required:

(1) To sign a substandard road agreement provided by the county.

(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county road standards or as recommended by the county engineer in situations that warrant an alternative width such as unusual topographic or boundary conditions.

(b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width than the county standard, the minimum front and corner (facing street) side yard setbacks for all buildings and structures shall be measured from the future county standard street right-of-way line location, rather than from the present right-of-way line.”

The Ogden Valley Transportation Element Map has identified Highway 162/3500 East as an 80' Collector Street. The LUC §108-7-10 requires that the minimum front and side yard setbacks for all buildings are to be measured from the “future” lot line of all collector or arterial streets based on the future designated right of way width as shown on the County Master Plan instead of the existing lot line of the existing street right of way. The proposal clearly meets the required 20' front setback using the current property line which runs along the centerline of Highway 162/3500 East; nevertheless, once the required 33' right of way dedication takes place, and taking into account the requirement to measure from the “future” lot line to facilitate for any future increased transportation needs along Highway 162/3500 East, the applicant will be unable to meet the required 20' front setback. Based on these requirements, the applicant has elected to utilize the “Complete Street” design that is allowed in the CV-2 Zone to facilitate the required and any future dedications along Highway 162/3500 East.

A “Complete Street” has been identified in the LUC §104-21-4(c) as:

“1. A complete street is a transportation facility that is planned, designed, operated and maintained to provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.”

“ 2. A complete street design is required when the front setback is less than 20 feet, and may include a ten foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the planning commission.”

If the Planning Commission feels that the “Complete Street” design is desirous and acceptable in this location, a finding of approval should be made part of the final decision. The applicant will need to meet all dedication, site improvements and “Complete Street” design requirements of the Engineering Division.

Conditional Use Review: The proposed use is conditionally allowed in the CV-2 Zone. A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant has provided the required material to facilitate a thorough review of the proposed project. The applicant is currently connected to Liberty Water and the Weber Morgan Health Department has deemed the feasibility of a septic system on the property. The Weber Morgan Health Department has identified the need for engineered septic plans to be provided including any additional State permits for the commercial/automotive facility. The applicant will need to meet all requirements of the Weber Morgan Health Department pertaining to this request.

Design Review: The commercial zone and the proposed conditional use, mandates a design review as outlined in the LUC §108-1 to ensure that the general design, layout and appearance of building remains orderly and harmonious with the surrounding neighborhood. The applicant has petitioned the County for approval to amend the conceptual design that was made part of the rezone approval and Zoning Development Agreement for this property. The design review is based on the revised plans and a condition of approval has been added to the Planning Divisions recommendations to ensure that the proposal is in conformance with the final approved Zoning Development Agreement.

Certain areas of the design review are only applicable to the current application for the initial phase of the development (see Exhibit C), such as parking and signage. These areas are specific to the type of use that will be allowed in the individual lease spaces. The applicant is aware that additional design reviews will be required as the remaining phases are developed. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

1) *Considerations relating to traffic safety and traffic congestion.* As part of this consideration, the applicant has proposed a loading and delivery area located along the rear of the building to allow for continued traffic flow along Highway 162/3500 East, a “Complete Street” design that includes a sidewalk, drive approaches and parking, with additional parking along the side property lines (see Exhibit B). The applicant has provided 19 parking spaces on the site plan, however up to four of the spaces may be eliminated unless the applicant is able to meet the parking standards as outlined in LUC §108-8-7(c) which states:

“Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.”

Adequate parking has been provided based on the proposal for an “Auto Repair Shop” per the LUC §108-8-4 which requires one parking space per employee plus five parking spaces for client use. Parking requirements for the future phases of the development will be evaluated as part of the required design review process for the new buildings and uses. The proposal has not proposed surface lighting of the off street parking.

2) *Considerations relating to outdoor advertising.* The applicant has provided architectural renderings for the permitted wall signs in the CV-2 Zone that include the location, color, light and approximate size of the proposed signage for the conditionally allowed auto repair and service shop (see Exhibit D). The proposed lighting associated with the sign areas provides a full cut-off illumination to ensure that no light is emitted above the horizontal plane of the shade which is in conformance with the standards of the LUC §108-16 pertaining to the Ogden Valley Lighting. The applicant will be required to provide actual dimensions to ensure that the proposed signs do not exceed five percent of each unit as allowed in the LUC §110-2-5. A condition has been made part of the Planning Division’s recommendations to ensure that this standard is met.

3) *Considerations relating to landscaping.* The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 with the exception of providing a separate irrigation plan (see Exhibit E). The applicant is working on a separate irrigation plan that will be based on the final engineered storm drain design. A condition has been made part of the Planning Division’s recommendations to ensure adequate measures have been put in place to maintain the required landscaping.

4) *Considerations relating to buildings and site layout.* The proposed building has an exterior brick veneer and has been designed after a historic commercial storefront (see Exhibit F). The proposed exterior color scheme utilizes varying degrees of slate with black and red accent colors (see Exhibit D). The windows and glass doors along the store front will be non-reflective glass. The exterior wall mount lamp fixtures will be incandescent lighting using less than 100 watts which will eliminate the need for additional shielding per LUC §108-16. The building and site layout has been reviewed against the design criteria of the CV-2 Zone in the LUC §104-21, the Design Review in the LUC §108-1, the Ogden Valley Architectural, Landscape and Screening Design Standards in the LUC §108-2-4 and the proposed amended conceptual plan that has been presented for approval. It appears that the proposal meets the minimum requirements of the applicable areas of the Uniform Land Use Code of Weber County.

5) *Considerations relating to utility easements, drainage, and other engineering questions.* The applicant will need to adhere to all conditions of the Engineering Division pertaining to storm water and surface water drainage, retention facilities, and for utilities to and through the property.

6) *Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.* As stated earlier in the review, the applicant has petitioned the County to amend the conceptual development plan that was made part of the approved Zoning Development Agreement. The revised conceptual development plan is essential to facilitate the proposed conditional use. The issuance of a conditional use permit will be contingent on the approval of the proposed amendment to the Zoning Development Agreement.

Conformance to the General Plan

The proposed use conforms to the Ogden Valley General Plan by encouraging commercial development within established commercial areas and enforcing the adopted “quality development standards” to ensure compatibility with the Valley’s character.

Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the requirements listed in LUC §108-4-4 under “Criteria for Issuance of Conditional Use Permit” which states:

Conditional Uses shall be approved on a case-by case basis. The planning commission shall not authorize a conditional use permit unless evidence is present to establish:

- 1. Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke or noise.*
- 2. That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards of use.*

The Planning Commission will need to determine if the proposal for an auto repair and service shop meets the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the “Criteria for Issuance of Conditional Use Permit” and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2014-25, a conditional use permit request for an auto repair and service shop located at 4022 North 3500 East Liberty, UT. This recommendation for approval is subject to all review agency requirements and based on the findings and conditions of approval as listed below:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use will provide a necessary service to the citizens of the Ogden Valley.
3. The “Complete Street” design will provide safe mobility for all users.
4. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
5. The proposed use, if conditions are imposed, will comply with applicable County ordinances.
6. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Conditions of Approval

- The conditional use permit will be contingent on the approval of the proposed amendment to the Zoning Development Agreement.
- A deed will be recorded to combine parcel numbers 22-010-0064 and 22-010-0065 to create one parcel prior to issuance of the conditional use permit.
- Adequate dedication of the public right of way that abuts the subject property will take place prior to the issuance of the conditional use permit.
- A separate irrigation plan will be provided for review and approval prior to the issuance of the conditional use permit to ensure adequate irrigation for the required landscaping.
- Actual dimensions for all signage will be provided for review and approval prior to the issuance of the conditional use permit to ensure that the proposed signs do not exceed five percent of each unit.
- Requirements of the Weber County Building Inspection Division
- Requirements and recommendations of the Weber Fire District
- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department

Exhibits

- A. Plat Map
- B. Site Plan
- C. Phasing Plan
- D. Architectural Renderings
- E. Landscape Plan
- F. Building Elevations

Map 1



Map 2

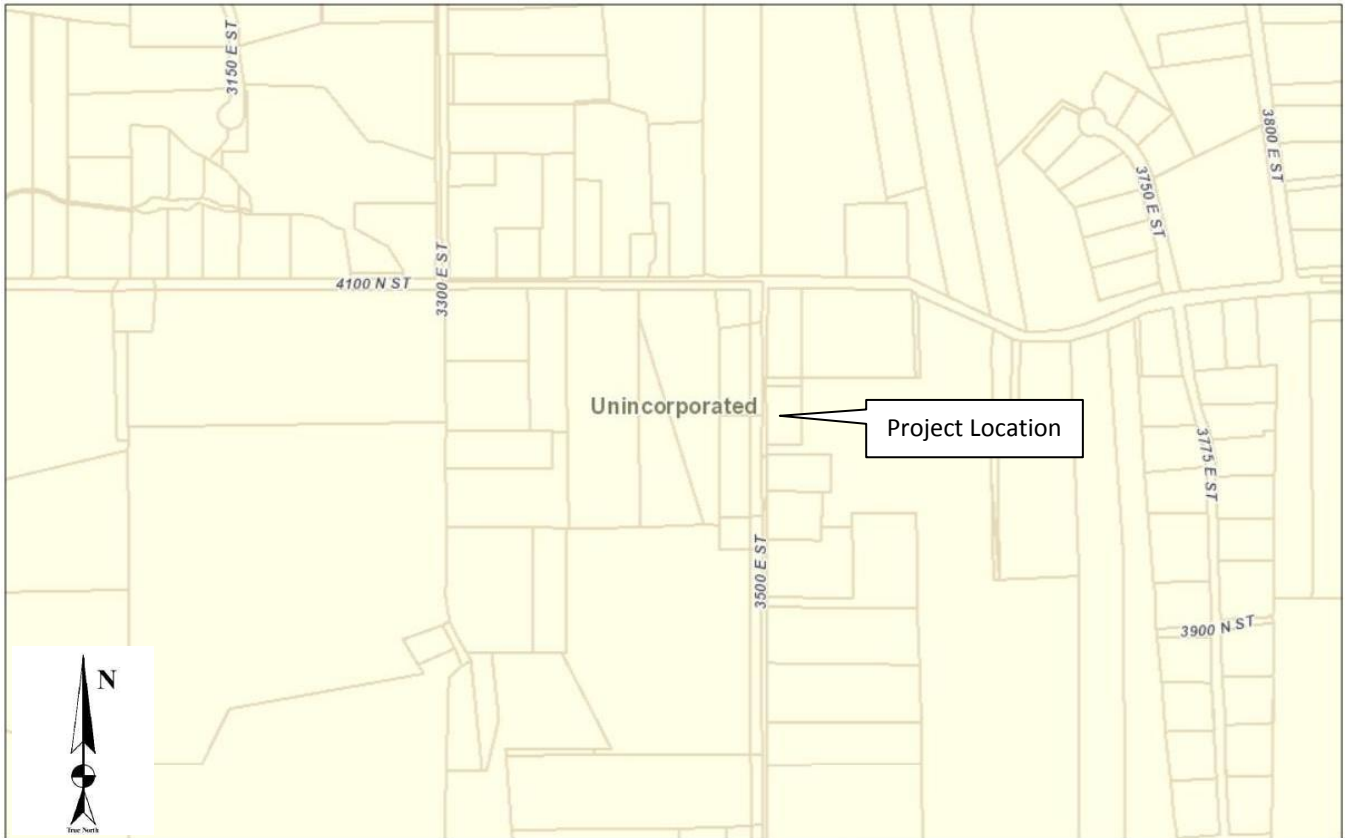


Exhibit A-Plat Map

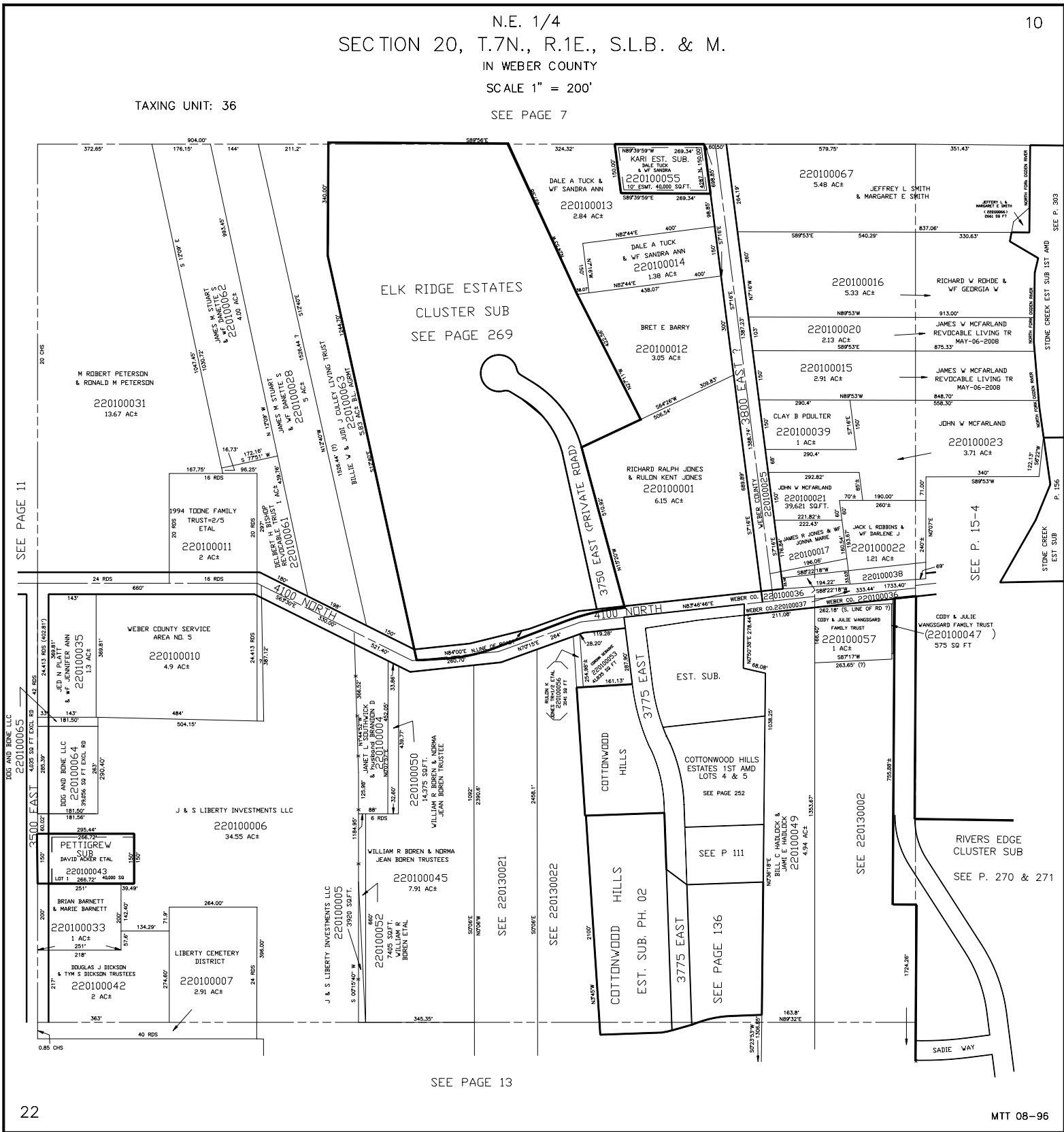
N.E. 1/4
SECTION 20, T.7N., R.1E., S.L.B. & M.
IN WEBER COUNTY

10

TAXING UNIT: 36

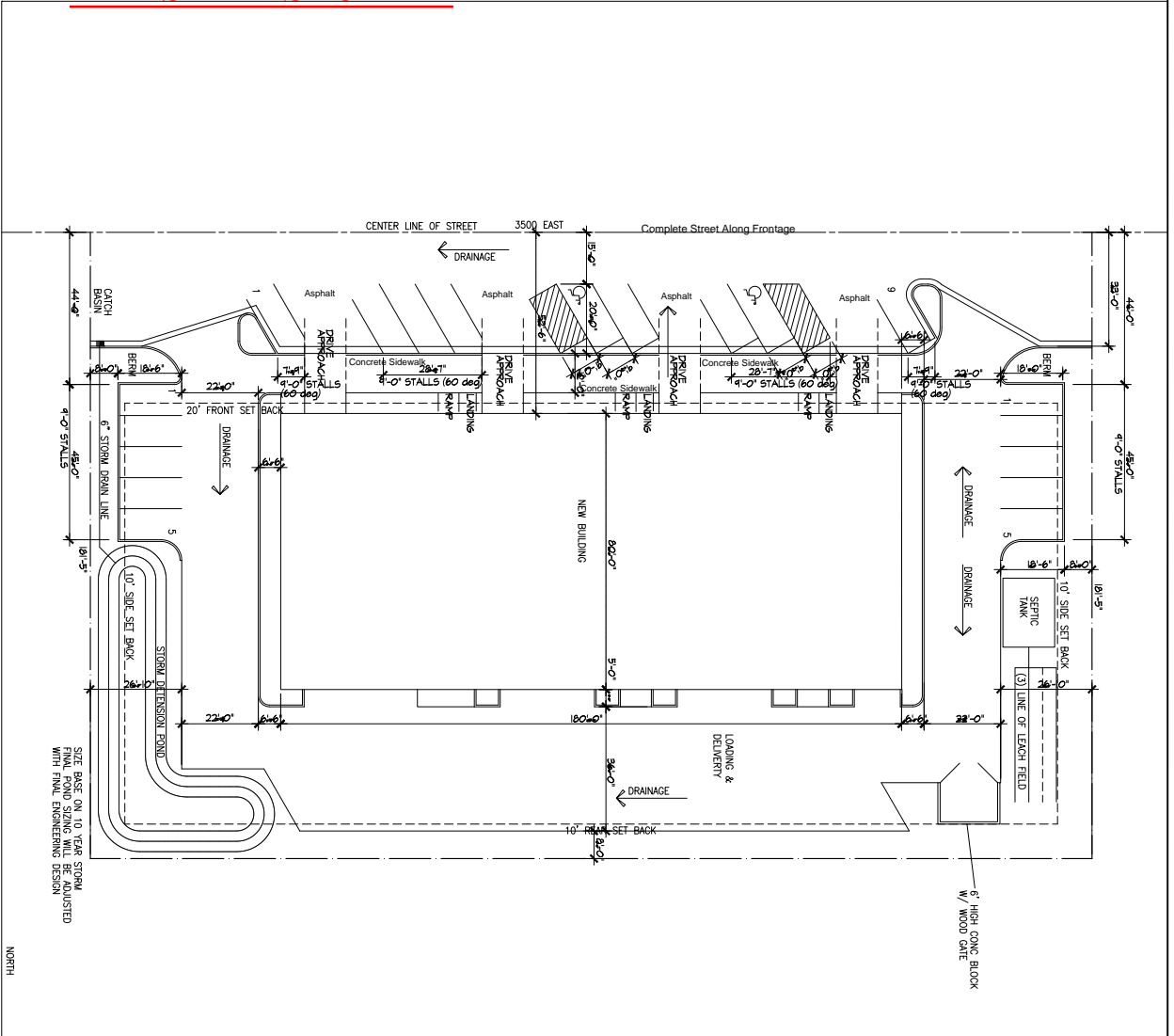
SCALE 1" = 200'

SEE PAGE 7



SEE PAGE 13

Exhibit B- Site Plan



SITE PLAN
SCALE 1"=10'-0"

SITE BASE ON 10 YEAR STORM
RINAL FLOOD SCENE WILL BE ADJUSTED
WITH FINAL ENGINEERING DESIGN



DOG SHELL BUILDING 3500 EAST LIBERTY, UTAH

CODE SUMMARY

OCCUPANCY TYPE: R/S-1
CONSTRUCTION TYPE: V/B
MAXIMUM NO. STORIES: 2
MAXIMUM HEIGHT: 40 FT
ALLOWABLE AREA: 9,000 SQ FT
YES ALLOWABLE INCREASE: 75%
9,000 SQ FT X .75 = 6,750
YARD INCREASE: 9,000 + 6,750 = 15,750 SQ FT
MAX ALLOWABLE AREA: 15,750 SQ FT

STRUCTURAL FRAME: 0
BEARING WALL EXTERIOR: 0
NONBEARING WALL: 0
INTERIOR: 0
FLOOR/CEILING: 0
ROOF/DECKING: 0

INDEX

BUILDING SUMMARY

NO. STORES: 1 STORY
MAXIMUM HEIGHT: 35'-0" REQUIRED
MAXIMUM HEIGHT: 35'-0" PROVIDED
FLOOR PLAN AREA: 12,800 SQ FT
LANDSCAPE AREA 20%: 10,442 SQ FT REQUIRED
LANDSCAPE AREA: 10,845 SQ FT PROVIDED
PARKING: 30 REQUIRED, 4 CLEANS, 42 PROVIDED, 6 EMPLOYEES

APPLICABLE CODE

SNOW LOAD: 30#/SQ FT
WIND LOAD: 30#/SQ FT

2012 INTERNATIONAL BUILDING CODE
2012 INTERNATIONAL PLUMBING CODE
2012 INTERNATIONAL MECHANICAL CODE
2012 INTERNATIONAL FIRE GAS CODE
2011 NATIONAL ELECTRICAL CODE
2012 INTERNATIONAL ENERGY CONSERVATION CODE
1997 UNIFORM CODE FOR BUILDING CONSERVATION

RIDGELINE DESIGN ARCHITECTS

1708 EAST 5550 SOUTH #20
SOUTH OGDEN, UT 84403
PHONE: 801-392-6882 FAX: 801-621-1494
www.ridgeline-design.com



Original drawings remain the property of Ridgeline Design Architects and are not to be reproduced without written consent. The design is approved by these drawings and is for the client's use only. All other uses are subject to the client's written consent.

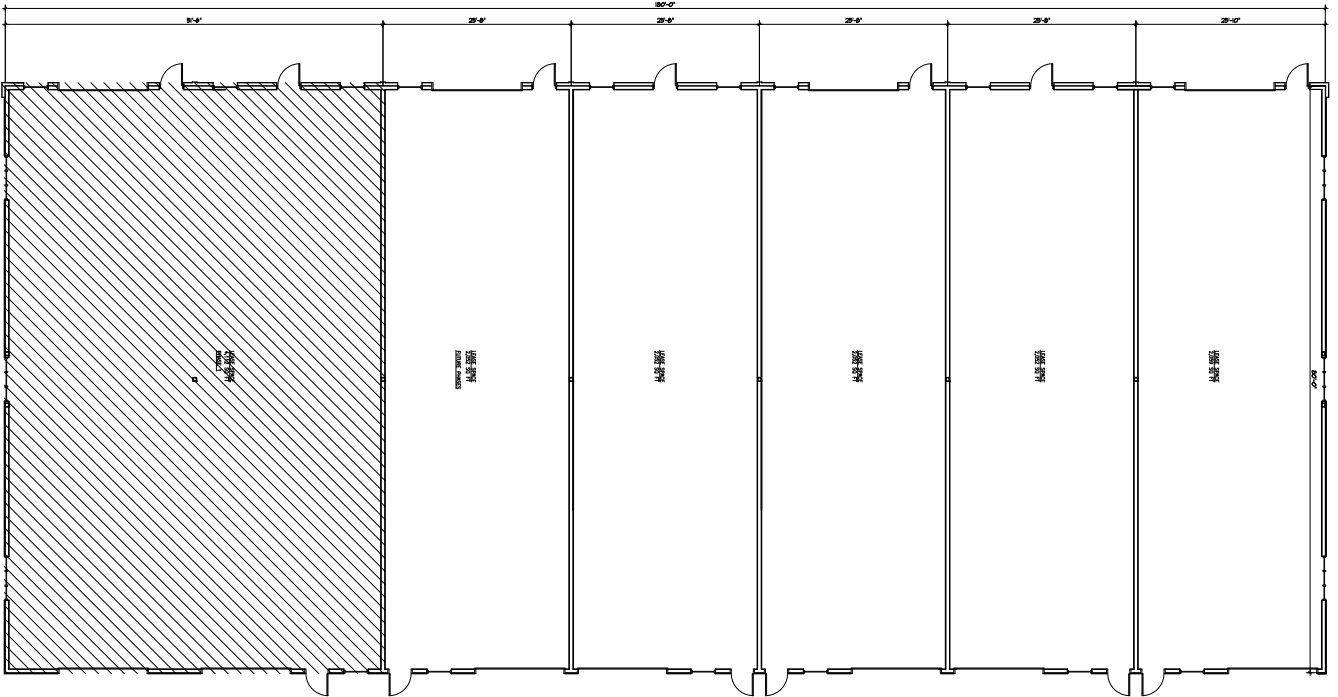
DOG
BUILDING SHELL

3500 EAST
LIBERTY, UTAH

PROJECT NUMBER: 1444
SHEET: COVER SHEET

C-0

Exhibit C-Phasing Plan



PHASING PLAN
 PHASE 1
 PHASE 2

WALL LEGEND
 EXTERIOR 2 X 6 W/ BRICK VENER
 EXTERIOR 2 X 6 W/ STUCCO
 INTERIOR 2 X 4 WALL

GROUND FLOOR PLAN
 SCALE 1/4"=1'-0"




SHEET A-1	FLOOR PLAN 144	DOG NEW BUILDING SHELL 3500 EAST LIBERTY, UTAH	DATE: 05-20-14 DRAWN BY: JENNIFER TAYLOR PROJECT NUMBER: 144	SHEET:	 ARCHITECTS	RIDGELINE DESIGN ARCHITECTS 1708 EAST 5550 SOUTH #20 SOUTH OGDEN, UT 84403 PHONE: 801-392-6882 FAX: 801-621-1494 www.ridgeline-design.com <small>Original drawings remain the property of Ridgeline Design Architects and are not to be reproduced without written consent. This design is approved by the Utah State Board of Architecture and Engineering. © 2014 Ridgeline Design Architects.</small>
---------------------	-------------------	--	---	--------	--	--

Exhibit D- Architectural Renderings

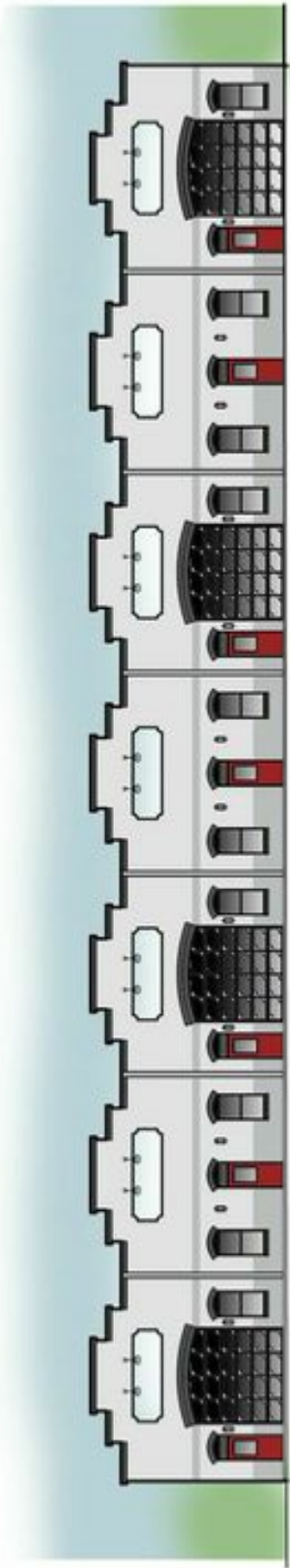
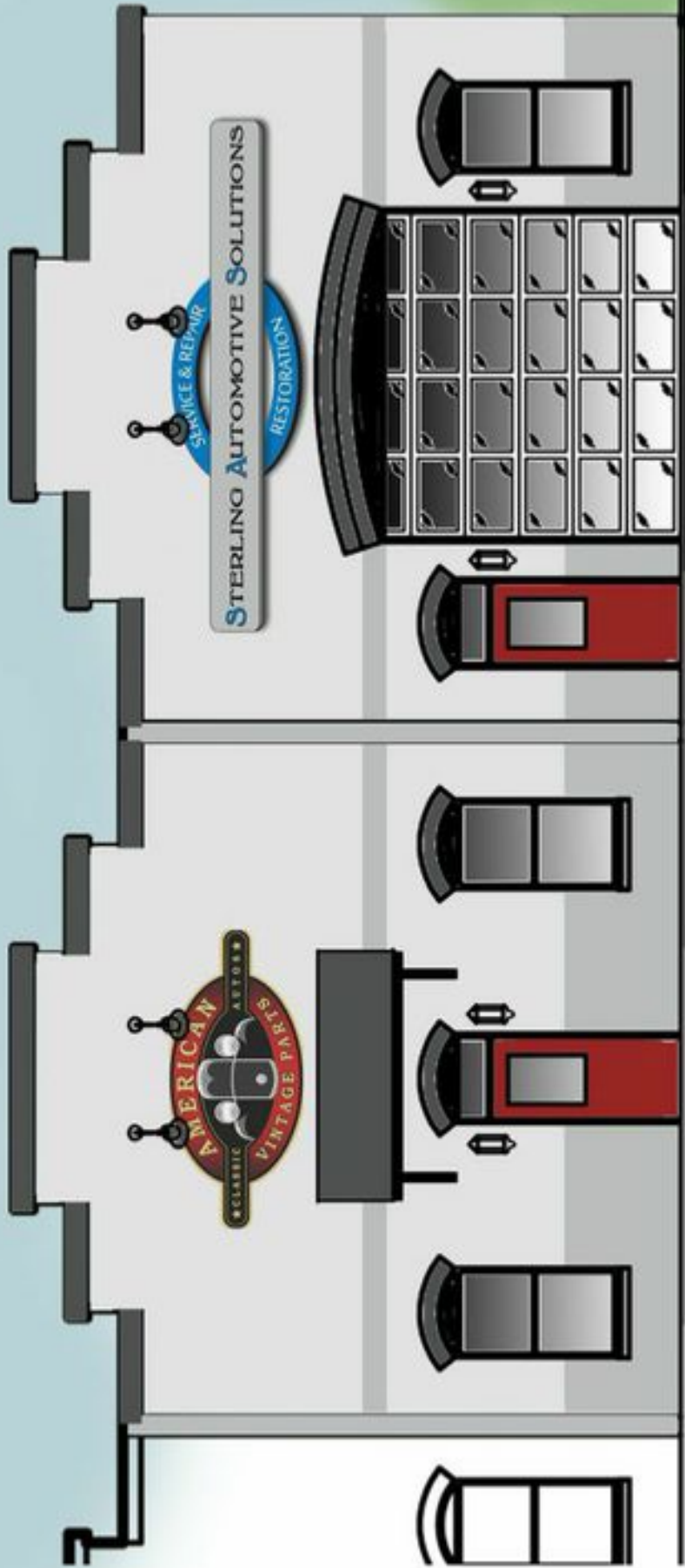
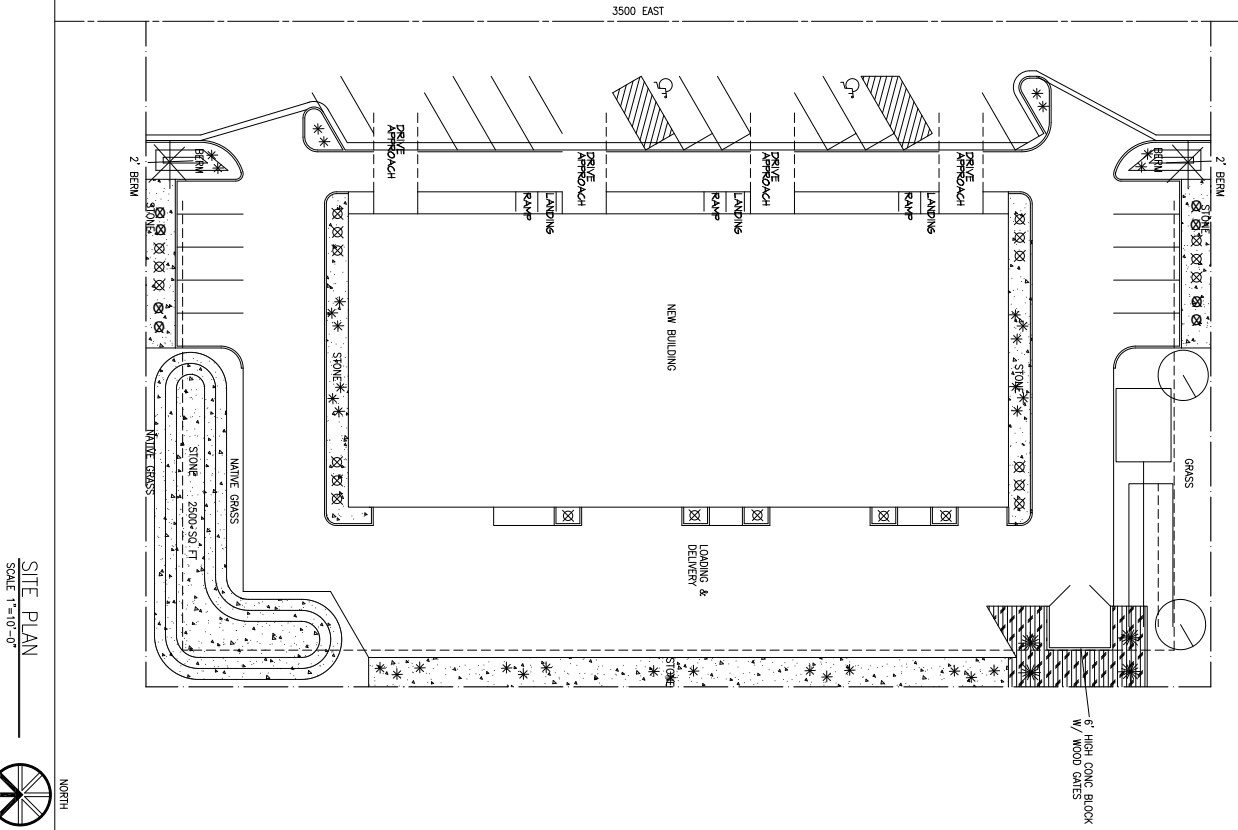
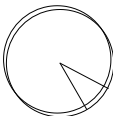
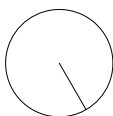
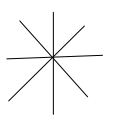
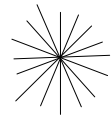
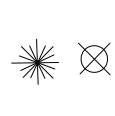
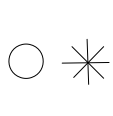


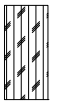


Exhibit E-Landscape Plan



PLANTING LEGEND

-  SUNBURST HONEYLOCUST
-  SUGAR MAPLE
-  NORWAY SPRUCE
-  PONDEROSA PINE
-  REDWING DOGWOOD
-  MUDD PINE
-  ARBORVITAE
-  FEATHER REED GRASS
-  GROUND COVER WILD SWEET WILLIAM W/ DARK

SITE AREA = 49,800 SQ. FT.
 LANDSCAPING REFERENCE (22%)
 LANDSCAPE AREA 10,634 SQ. FT.
 10,634 / 42,920 = 24.7%

GRASS AREA 3,528 / 10,634 = 33.1%
 PLANTING AREA 7106 / 10,634 = 66.9 %

DOG BUILDING SHELL
 3500 EAST LIBERTY, UTAH

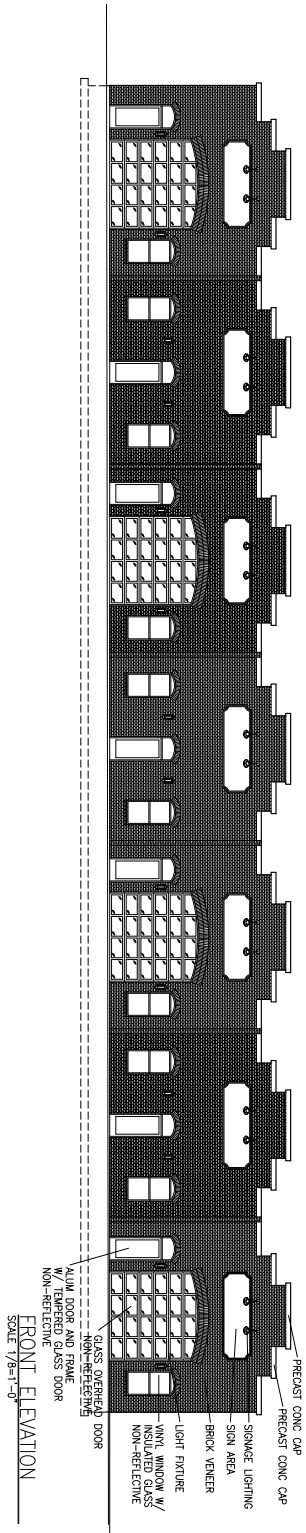
Sheet:
L-1



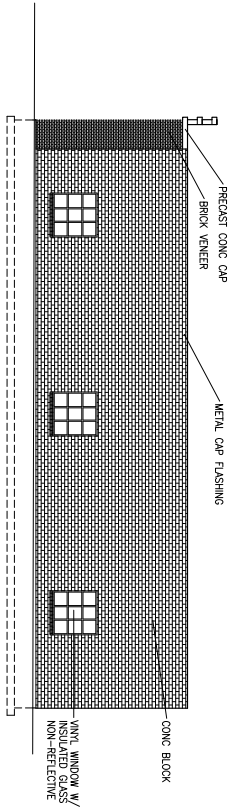
RIDGELINE DESIGN ARCHITECTS
 1708 EAST 5550 SOUTH #20
 SOUTH OGDEN, UT 84003
 PHONE: 801-392-6882 FAX: 801-621-1494
www.ridgeline-design.com

Original drawings remain the property of Ridgeline Design Architects and no other Ridgeline Design Architects retain title and ownership and control. This design is approved by these drawings to be used for the client for a one-time use, unless otherwise agreed upon in writing by Ridgeline Design Architects.

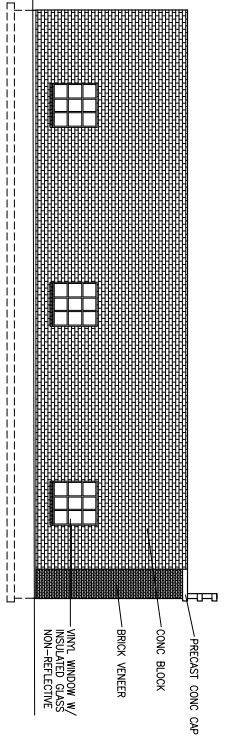
Exhibit F-Building Elevations



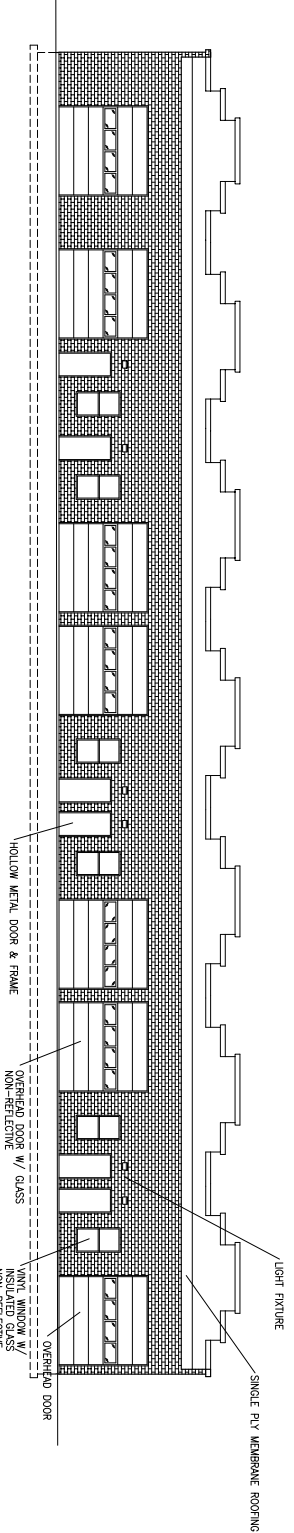
SIDE ELEVATION
SCALE 1/8"=1'-0"



SIDE ELEVATION
SCALE 1/8"=1'-0"



REAR ELEVATION
SCALE 1/8"=1'-0"



DOG
NEW BUILDING SHELL
3500 EAST
LIBERTY, UTAH



RIDGELINE DESIGN ARCHITECTS
1708 EAST 5550 SOUTH #20
SOUTH OGDEN, UT 84403
PHONE: 801-392-6882 FAX: 801-621-1494
www.ridgeline-design.com

Original drawings remain the property of Ridgeline Design Architects and are not to be reproduced without written consent and approval. This design is provided for your information and is not to be used for construction without the written consent of Ridgeline Design Architects.