



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** Consideration and action for a conditional use permit for an auto repair and service shop, including the required design review for a new commercial building in Eden, Utah

**Agenda Date:** Tuesday, February 24, 2015

**Applicant:** Dog and Bone, LLC

**Authorized Agent:** Justin Pack

**File Number:** CUP# 2015-04

#### Property Information

**Approximate Address:** 4930-4938 East 2550 North Eden, UT

**Project Area:** 0.98 Acres

**Zoning:** Commercial Valley-2 (CV-2)

**Existing Land Use:** Vacant

**Proposed Land Use:** Commercial Development

**Parcel ID:** 22-158-0006 & 22-158-0007

**Township, Range, Section:** Township 7 North, Range 1 East, Section 34



#### Adjacent Land Use

<b>North:</b>	Commercial	<b>South:</b>	Commercial
<b>East:</b>	Commercial	<b>West:</b>	Commercial

#### 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 104, Chapter 21 Commercial Valley Zones (CV-2)
- Title 104, Chapter 28, Ogden Valley Sensitive Lands Overlay Districts
- Title 104, Chapter 1 Design Review
- Title 104, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and access Regulations
- Title 108, Chapter 16 Ogden Valley Lighting
- Title 110, Chapter 2, Ogden Valley Signs

### Type of Decision

When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag-lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

### Summary and Background

The applicant is requesting approval of a conditional use permit for an auto repair and service shop, including the required design review for a new commercial building at approximately 4930-4938 East 2550 North Eden, UT. 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. The proposed site is currently vacant but is surrounded by a variety of commercial

uses; making this an ideal location for the new commercial building and the proposed conditional use. The proposed use will be beneficial to the residents of the Ogden Valley by providing automotive and farm equipment services and/or repairs.

The applicant applied for and received approval for a site located in Liberty in November 2014. In an effort to maintain positive relations within the community, the applicant has agreed to relocate the commercial venture to another location in the Ogden Valley. The Planning Commission had some level of discretion in reviewing the building design, architectural standards, and site layout of the previous application due to the associated Zoning Development Agreement that was entered into by the applicant and Weber County for the development of that location. The new location does not have any type of development agreement associated with the property; therefore, removing the discretionary element of this review.

Conditional use permits should be approved as long as any harmful impact is mitigated. The Uniform Land Use Code of Weber County, Utah (LUC) has specified 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.

## 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 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 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 subject properties are described as Lot 6 and Lot 7 of the Valley Junction Subdivision Phase 1 (see Exhibit A). The applicant, prior to the building permit process, will be applying for a "Building Parcel Designation" which allows for lots within an approved subdivision to be recognized as one lot for building purposes. The Planning Director can administratively approve a building parcel designation application. A condition of approval is necessary to ensure that the building parcel designation approval is received prior to the issuance of the conditional use permit. With this condition in place, the proposed site plan meets the required yard 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.

The applicant has elected to utilize the "Complete Street" design that is allowed in the CV-2 Zone in an effort to create an area within the commercial zone that will promote a safe, pedestrian friendly area.

A "Complete Street" has been identified in 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.*

The proposed "Complete Street" design reflects the previous requirements from the Planning Commission including the shade trees along the store front (see Exhibit B-4). 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 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 property is currently under contract to be purchased by Dog & Bone, LLC. The current property owner, Gregory George James, has authorized Weber County to proceed with the review process of the conditional use permit and associated design review. Once the ownership of the property has been transferred to the applicant, connection to culinary water services through Eden Water Company will need to take place. The applicant is also working with the Weber Morgan Health Department to receive approval for a septic system on the property. A condition of approval has been added to ensure that both culinary and wastewater services are approved prior to the issuance of the conditional use permit.

Design Review: The commercial zone and the proposed conditional use, mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. Certain areas of the design review are only applicable to the current application for the auto repair and service shop, 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 may be required as the remaining spaces are occupied based on the proposed uses. 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 "Complete Street" design that includes a sidewalk connecting to the adjacent properties, parking and drive approaches to the building. A loading and delivery area has been identified along the rear of the building including additional parking to ensure continued traffic flow along 2550 North (see Exhibit B-1). The applicant has provided 29 parking spaces on the site plan, meeting 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 LUC §108-8-4 which requires one parking space per employee plus five parking spaces for client use. Parking requirements for the future uses of the remaining building will be evaluated as part of the required review process for the new uses.

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, lighting and approximate size of the proposed signage for the conditionally allowed auto repair and service shop (see Exhibit C). 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 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 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 including a separate irrigation plan (see Exhibit B-4 & B-5).

4) *Considerations relating to buildings and site layout.* The proposed building implements key architectural elements from the original "Blacksmith Shop" in the Ogden Valley (see Exhibit D). The proposed building has an exterior brick veneer and has been designed after a historic commercial storefront, utilizing a "false front" parapet (see Exhibit B-3). The exterior color is a natural, muted earth tone; contrasting accent colors of gray, black and red (see Exhibit B). All of the windows in the building and the overhead glass doors along the front of the building will

be non-reflective glass; the rear overhead doors will be green with non-reflective windows. The applicant is requesting approval to have the option to place the overhead doors either in each unit or in every other unit as shown; a finding of approval should be made part of the final decision. 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 LUC §104-21, the Design Review in LUC §108-1, and the Ogden Valley Architectural, Landscape and Screening Design Standards in LUC §108-2-4. 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 proposed site does not have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time .

## 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 the new commercial building and the associated conditional use for an auto repair and service shop meet 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 2015-04, a conditional use permit for an auto repair and service shop, including the required design review for a new commercial building at approximately 4930-4938 East 2550 North Eden, 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 design and use, including the option to have overhead doors in each unit or every other unit, will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

## Conditions of Approval

1. A building parcel designation approval is required prior to the issuance of the conditional use permit
2. Proof of a culinary connection prior to the issuance of the conditional use permit
3. 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
4. Requirements of the Weber County Building Inspection Division
5. Requirements and recommendations of the Weber Fire District
6. Requirements of the Weber County Engineering Division
7. Requirements of the Weber County Health Department

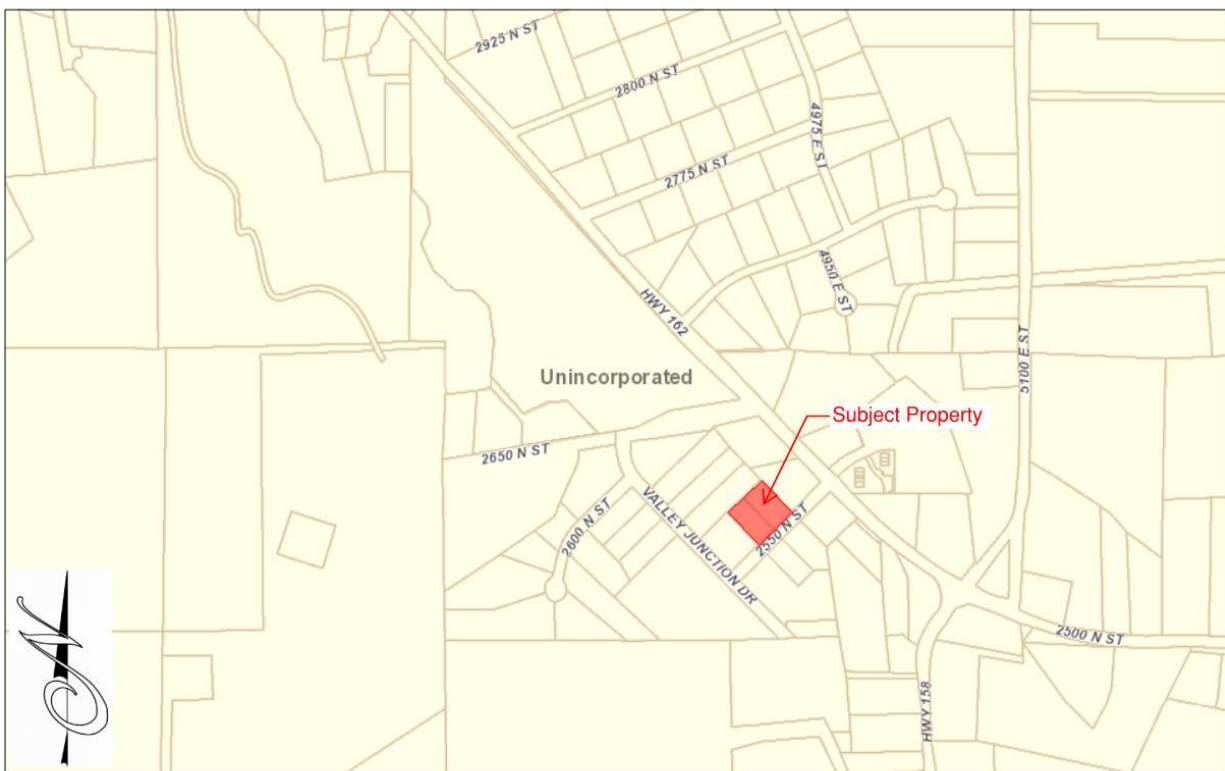
## Exhibits

- A. Plat Map
- B. Development Plans
  1. Site Plan
  2. Floor Plan
  3. Building Elevations
  4. Landscaping Plan
  5. Irrigation Plan
- C. Architectural Renderings and Signage
- D. Original Blacksmith Shop Architectural Detail

## Map 1



## Map 2





# VALLEY JUNCTION SUBDIVISION PHASE 1

A PART OF THE NORTHWEST QUARTER OF SECTION 34, T. 7 N., R. 1 E., S.L.B. and M.  
WEBER COUNTY, UTAH  
MARCH 1899

## SUBDIVISION CERTIFICATE

I, **WILLIAM A. BARNHART**, Surveyor, do hereby certify that the above described subdivision was lawfully made in accordance with the provisions of the Utah Subdivision Law, Chapter 10, Section 1, of the Utah Code, 1953, and that the same has been duly recorded in the office of the County Clerk of Weber County, Utah, in Book 1, Page 1, of the Subdivisions and Maps.

SIGNED this 5th day of August, 1999.

W.A. BARNHART

## OWNER'S DECLARATION

WE, THE UNDERSIGNED, being the owners of the above described subdivision, do hereby declare that the same was lawfully made in accordance with the provisions of the Utah Subdivision Law, Chapter 10, Section 1, of the Utah Code, 1953, and that the same has been duly recorded in the office of the County Clerk of Weber County, Utah, in Book 1, Page 1, of the Subdivisions and Maps.

SIGNED this 5th day of August, 1999.

**James Chambers, LLC**  
**James Chambers**

## ACKNOWLEDGMENT

I, **James Chambers, LLC**, do hereby acknowledge that the above described subdivision was lawfully made in accordance with the provisions of the Utah Subdivision Law, Chapter 10, Section 1, of the Utah Code, 1953, and that the same has been duly recorded in the office of the County Clerk of Weber County, Utah, in Book 1, Page 1, of the Subdivisions and Maps.

SIGNED this 5th day of August, 1999.

**James Chambers, LLC**  
**James Chambers**

## EXHIBIT DESCRIPTION

A map of the above described subdivision, showing the location of the subdivision, the names of the owners, and the names of the surveyors, is attached to this certificate as an exhibit.

SIGNED this 5th day of August, 1999.

**James Chambers, LLC**  
**James Chambers**

## WEBER-MORGAN HEALTH DEPARTMENT

I, **James Chambers, LLC**, do hereby declare that the above described subdivision was lawfully made in accordance with the provisions of the Utah Subdivision Law, Chapter 10, Section 1, of the Utah Code, 1953, and that the same has been duly recorded in the office of the County Clerk of Weber County, Utah, in Book 1, Page 1, of the Subdivisions and Maps.

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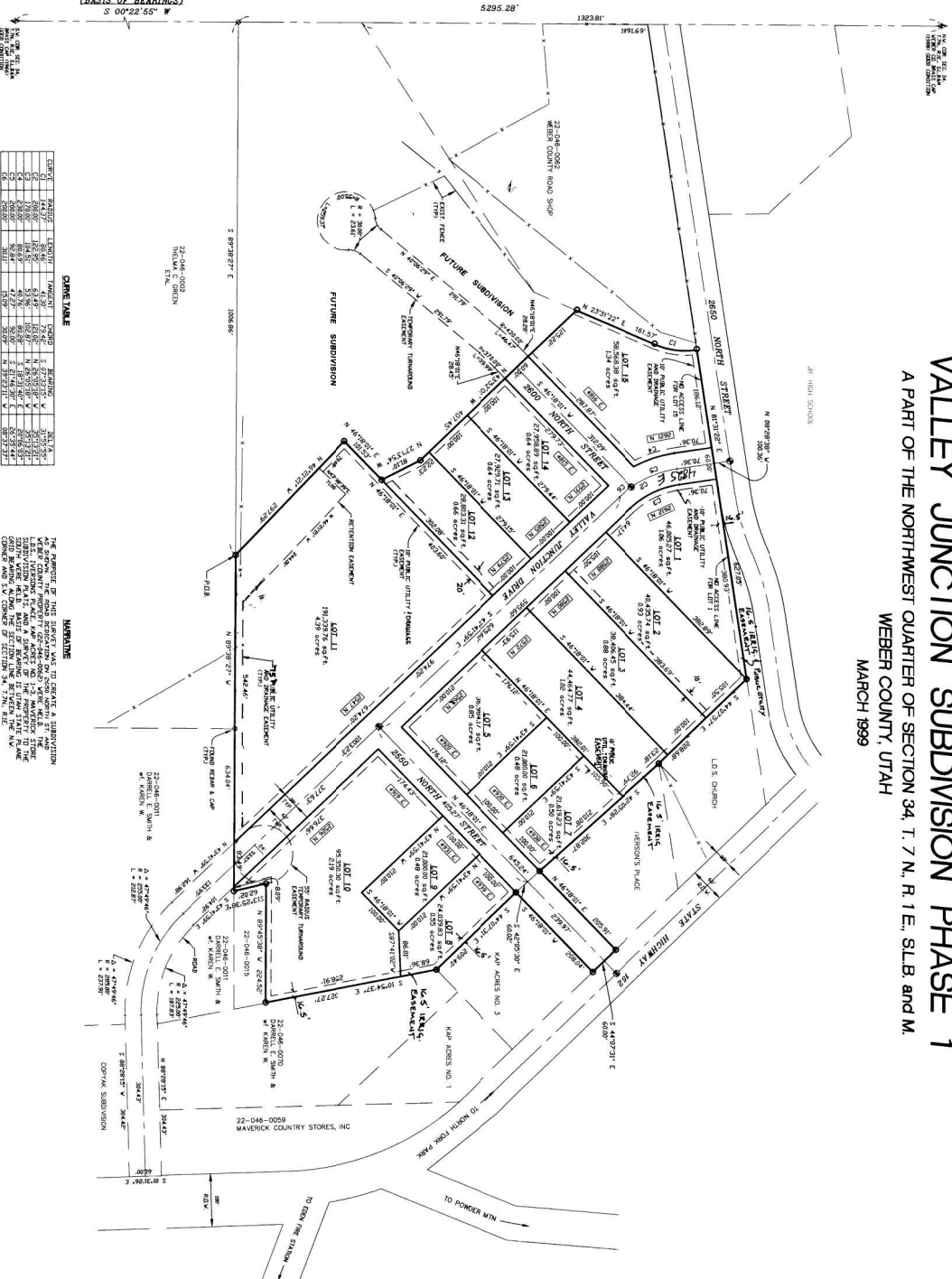
**James Chambers, LLC**  
**James Chambers**

CLIENT: <b>James Chambers, LLC</b>	FILED FOR RECORD: <b>SEP 10 1999</b>
LOCATION: <b>PART OF THE NW 1/4 OF SEC. 34, T. 7 N., R. 1 E., S.L.B. and M.</b>	FILED FOR RECORD: <b>SEP 10 1999</b>
RECORDS: <b>James Chambers, LLC</b>	FILED FOR RECORD: <b>SEP 10 1999</b>
DATE: <b>SEP 10 1999</b>	FILED FOR RECORD: <b>SEP 10 1999</b>

CLIENT: <b>James Chambers, LLC</b>	FILED FOR RECORD: <b>SEP 10 1999</b>
LOCATION: <b>PART OF THE NW 1/4 OF SEC. 34, T. 7 N., R. 1 E., S.L.B. and M.</b>	FILED FOR RECORD: <b>SEP 10 1999</b>
RECORDS: <b>James Chambers, LLC</b>	FILED FOR RECORD: <b>SEP 10 1999</b>
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DATE: <b>SEP 10 1999</b>	FILED FOR RECORD: <b>SEP 10 1999</b>



LOT	AREA	OWNER	REMARKS
1	1.0000	James Chambers, LLC	
2	1.0000	James Chambers, LLC	
3	1.0000	James Chambers, LLC	
4	1.0000	James Chambers, LLC	
5	1.0000	James Chambers, LLC	
6	1.0000	James Chambers, LLC	
7	1.0000	James Chambers, LLC	
8	1.0000	James Chambers, LLC	
9	1.0000	James Chambers, LLC	
10	1.0000	James Chambers, LLC	

## WEBER COUNTY ENGINEER

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**James Chambers**

## WEBER COUNTY ATTORNEY

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**James Chambers**

## WEBER COUNTY PLANNING COMMISSION APPROVAL

I, **James Chambers, LLC**, do hereby declare that the above described subdivision was lawfully made in accordance with the provisions of the Utah Subdivision Law, Chapter 10, Section 1, of the Utah Code, 1953, and that the same has been duly recorded in the office of the County Clerk of Weber County, Utah, in Book 1, Page 1, of the Subdivisions and Maps.

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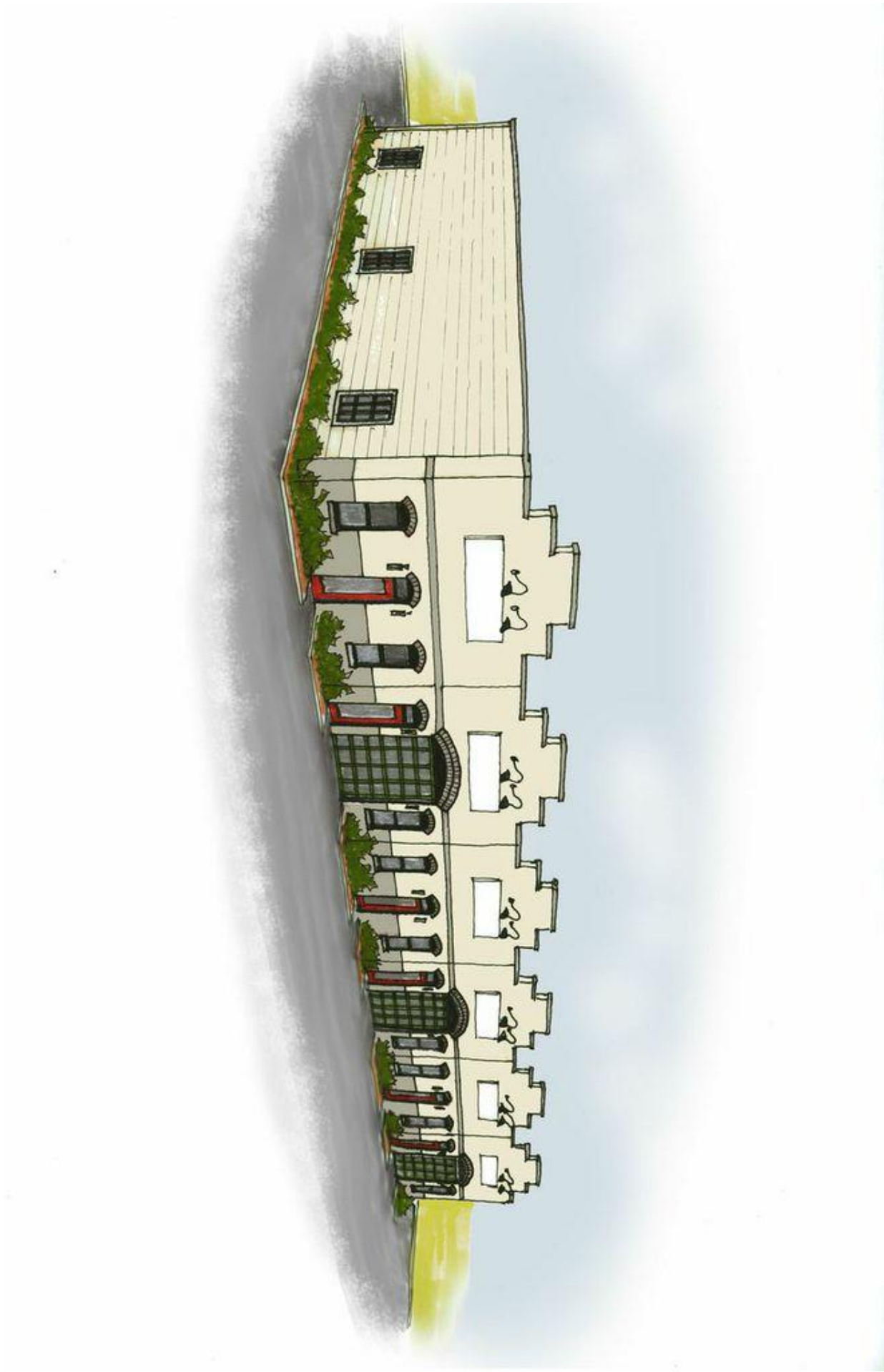
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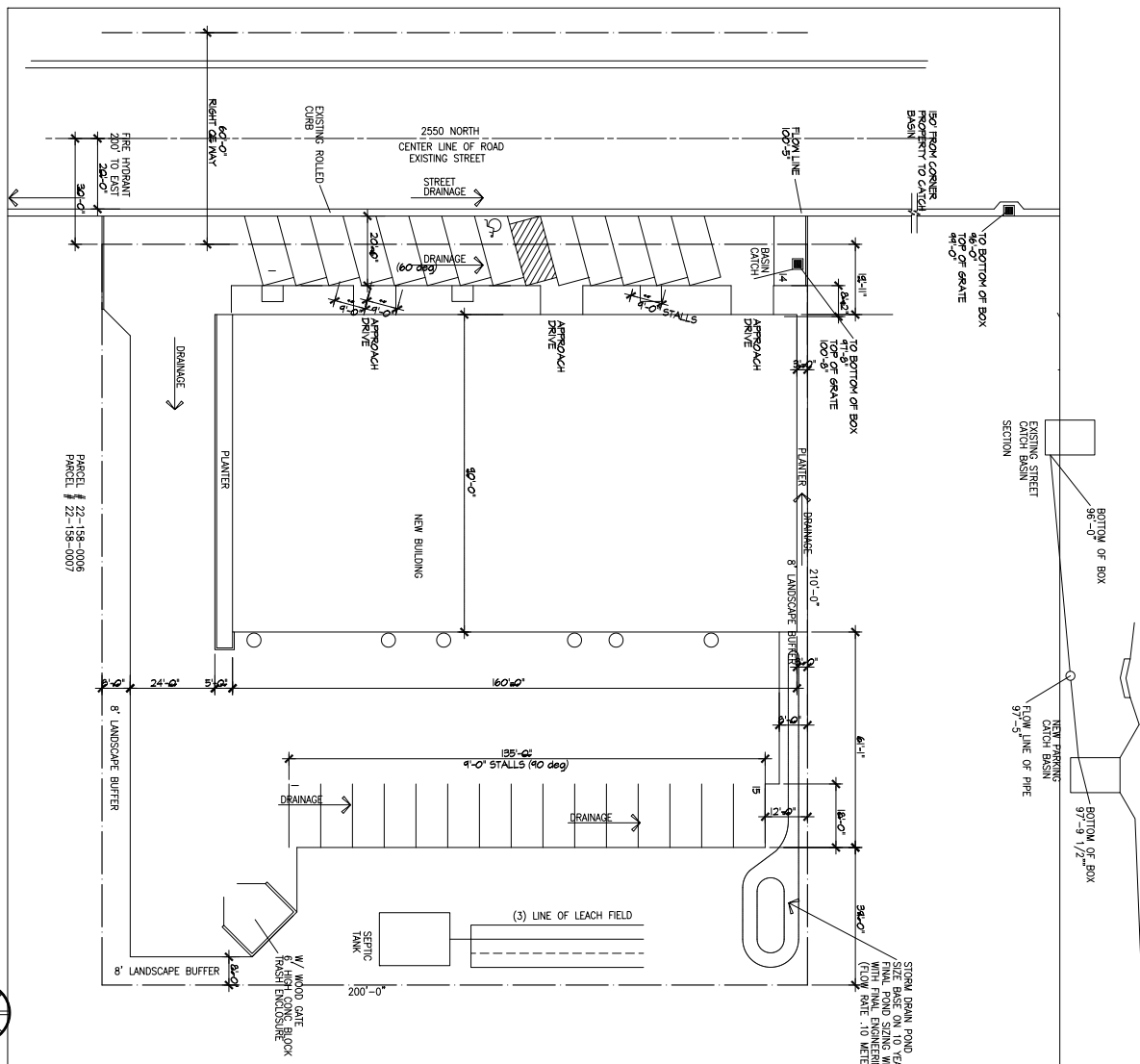
SIGNED this 5th day of August, 1999.

**James Chambers, LLC**  
**James Chambers**





## Exhibit B-1: Site Plan



DOG NEW  
SHELL BUILDING  
4930 EAST 2550 NORTH  
EDEN, UTAH

CODE	SUMMARY	INDEX
------	---------	-------

OCCUPANCY TYPE:	B/S-V
CONSTRUCTION TYPE:	1
MAXIMUM NO. STORES	4
MAXIMUM HEIGHT	40 FT
MAXIMUM AREA	50 SQ FT
SPRINKLED	NO
YARD INCREASE	YES
ALLOWABLE AREA	9,000 SQ FT X .75 = 6,750
	9,000 + 6750 = 15,750 SQ FT
STRUCTURAL FRAME	0
Bearing WALL	0
INTERIOR	0
NONBEARING WALL	0
FLOOR /CEILING	0
ROOF/CEILING	0

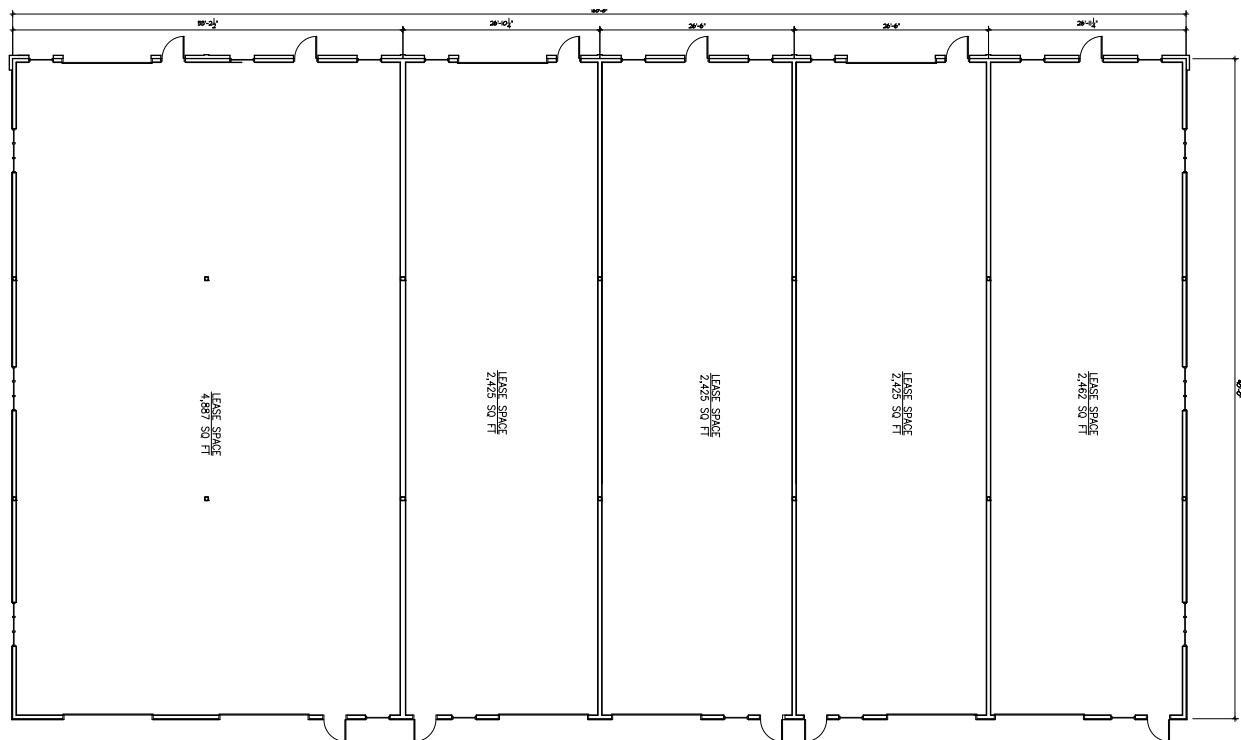
BUILDING SUMMARY	
NO. STORIES	1 STORY
MAXIMUM HEIGHT	35'-0" REQUIRED
MAXIMUM HEIGHT	26'-0" PROVIDED
FLOOR PLAN AREA	14,580 SQ FT
TOTAL SITE AREA 200' X 210'	42,000 SQ FT REQUIRED
LANDSCAPE AREA 20%	8,400 SQ FT REQUIRED
LANDSCAPE AREA	8,891 SQ FT PROVIDED
PARKING	24 REQUIRED
	2 CLIENTS
	29 PROVIDED
	2 EMPLOYEES

SNOW LOAD	30#/Sq FT
WIND LOAD	90#/Sq FT
APPLICABLE CODE	

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



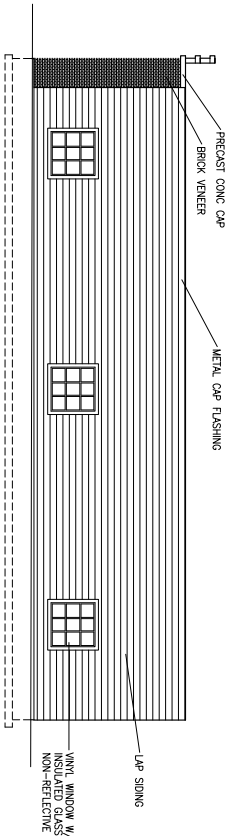
Exhibit B-2: Floor Plan



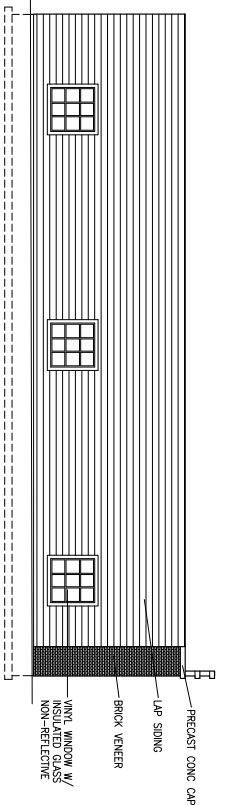
**WALL LEGEND**  
===== EXTERIOR 2 X 6 W/ BRICK VENEER  
===== EXTERIOR 2 X 6 W/ STUCCO  
===== INTERIOR 2 X 4 WALL

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

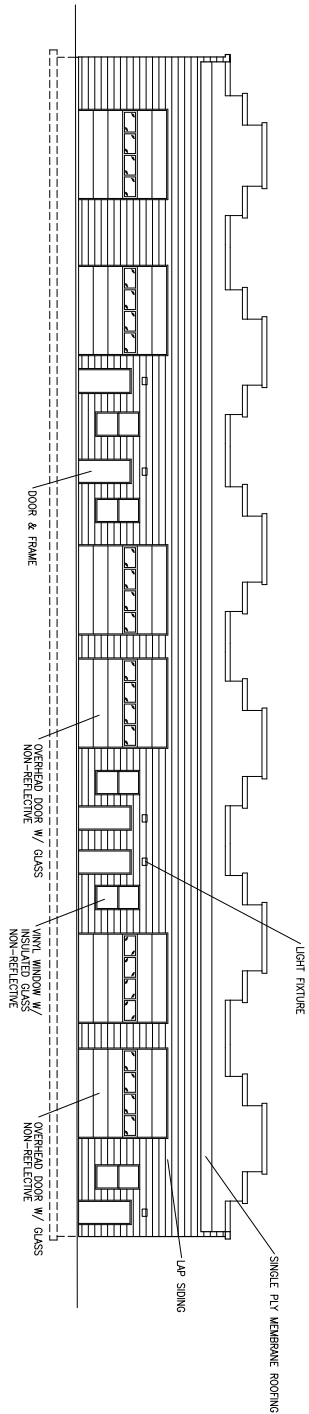
Sheet: <b>A-1</b>	Floor Plan	Project Number: 1905	<b>DOG NEW NEW BUILDING SHELL</b> 4930 EAST 2550 NORTH EDEN, UTAH	Date: 2/2/2015 Revised:	Drawing:	 <b>RIDGELINE DESIGN ARCHITECTS</b>	<b>RIDGELINE DESIGN ARCHITECTS</b> 1708 EAST 5550 SOUTH #20 SOUTH OGDEN, UT 84403 PHONE: 801-392-6882 FAX: 801-621-1494 www.ridgeline-design.com	<small>Original drawings remain the property of Ridgeline Design Architects and are used by Ridgeline Design Architects under license and copyright. This design is approved for use by the client for the project for which it was prepared. No other use, without written consent, is permitted by Ridgeline Design Architects.</small>



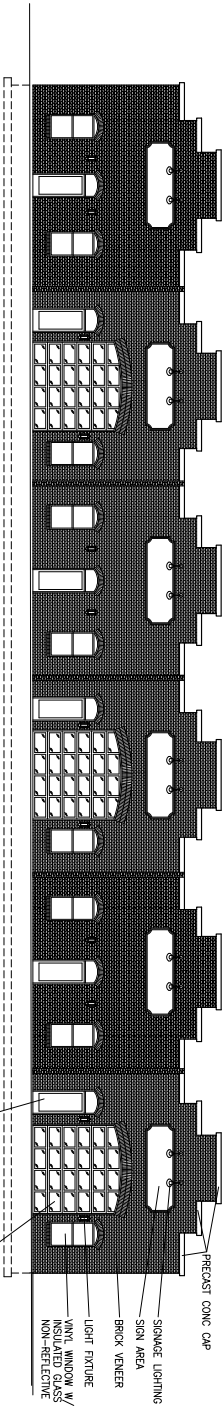
SIDE ELEVATION  
SCALE 1/8"=1'-0"



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

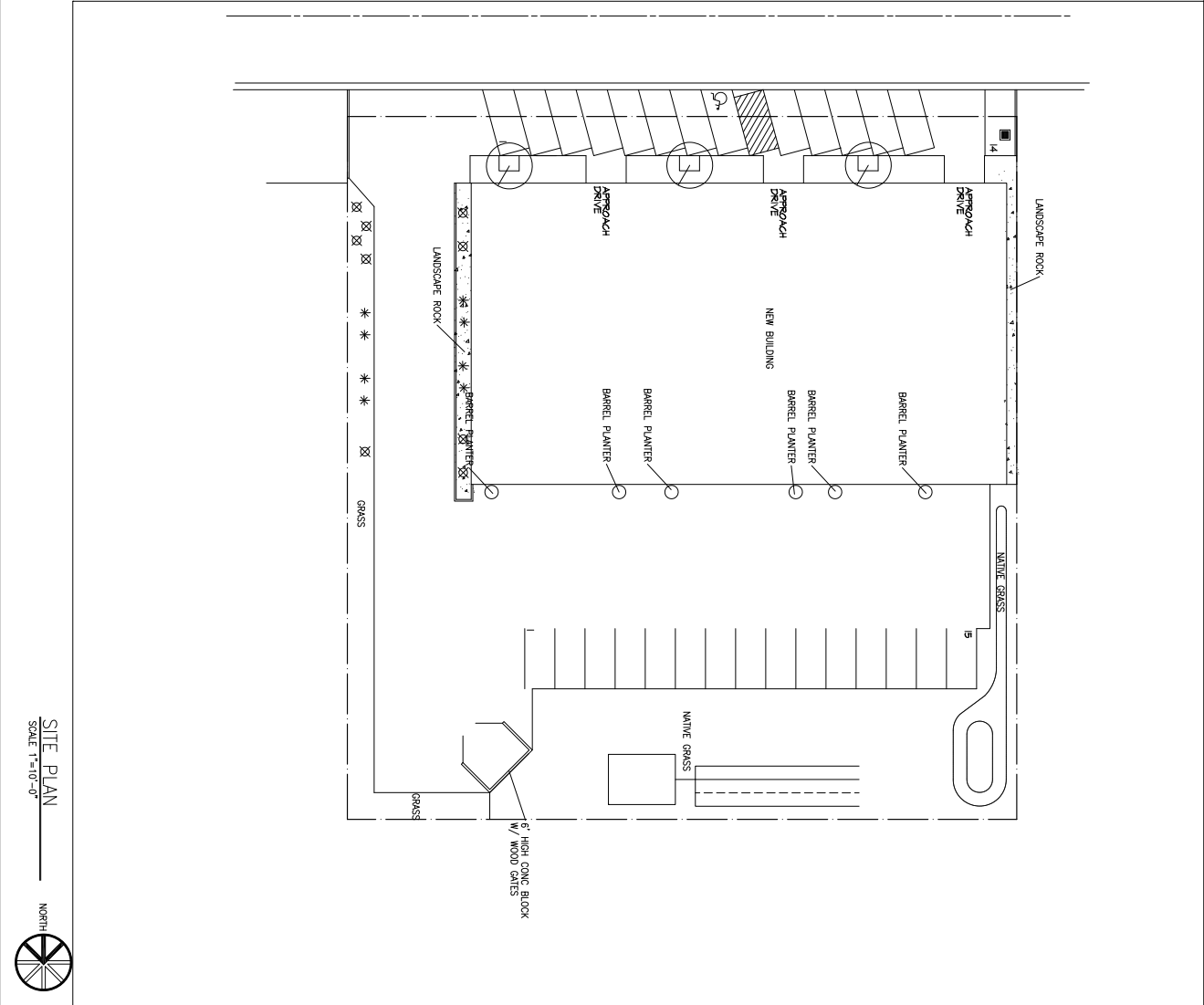


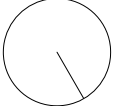


REAR ELEVATION  
SCALE 1/8"=1'-0"



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

Exhibit B-4: Landscape Plan

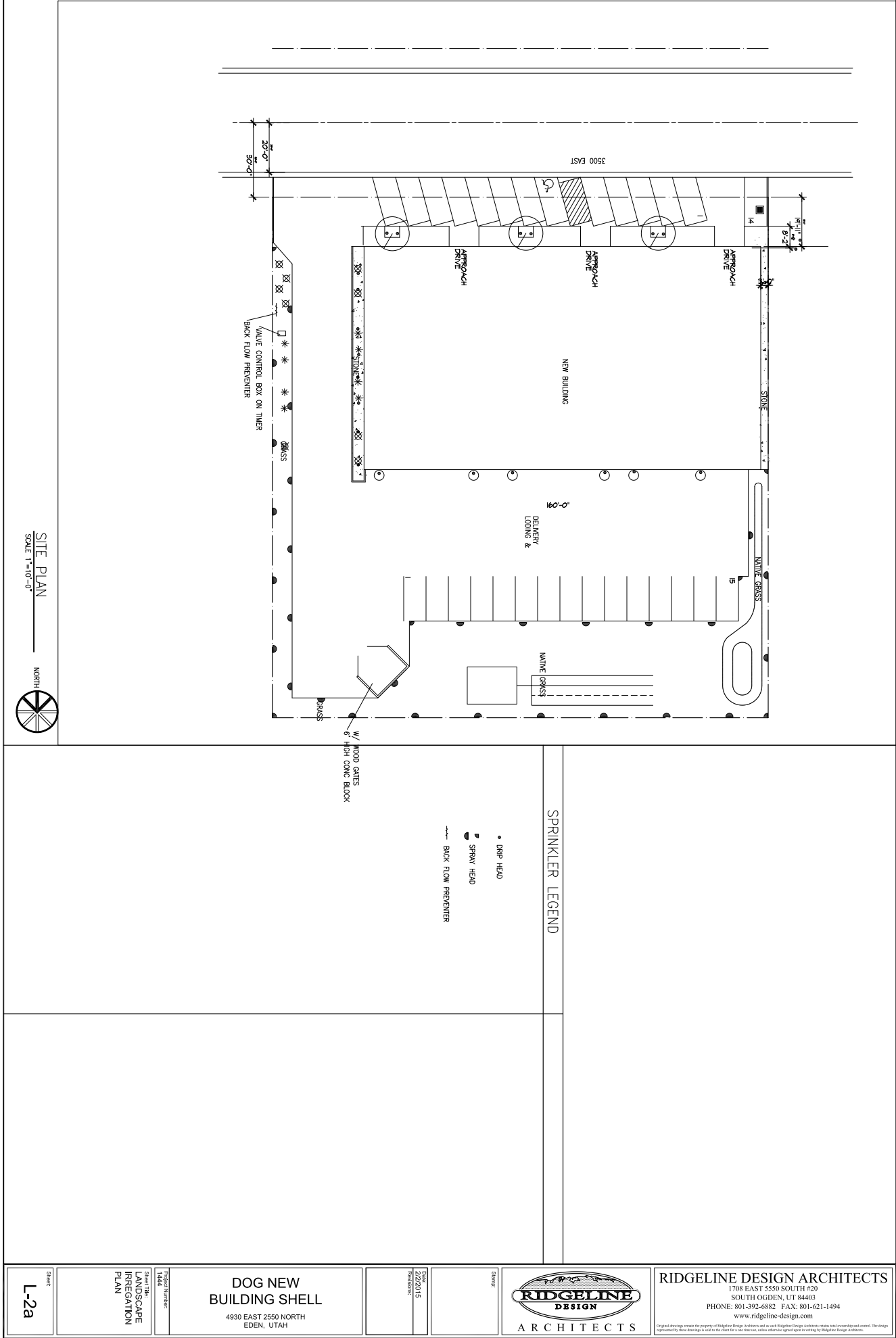


PLANTING LEGEND	
	FLOWERING PLUM
	REDWING DOGWOOD
	WOOD PINE

DOG NEW BUILDING SHELL 4930 EAST 2550 NORTH EDEN, 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	
Sheet: L-1a	Drawn: 1905	Drawn: 2/22/2015	Drawn: 2/22/2015
Project Number: 1905		Site: 4930 EAST 2550 NORTH EDEN, UTAH	
Scale: 1"=10'-0"		Title: DOGS NEW BUILDING SHELL	



Exhibit B-5: Irrigation Plan



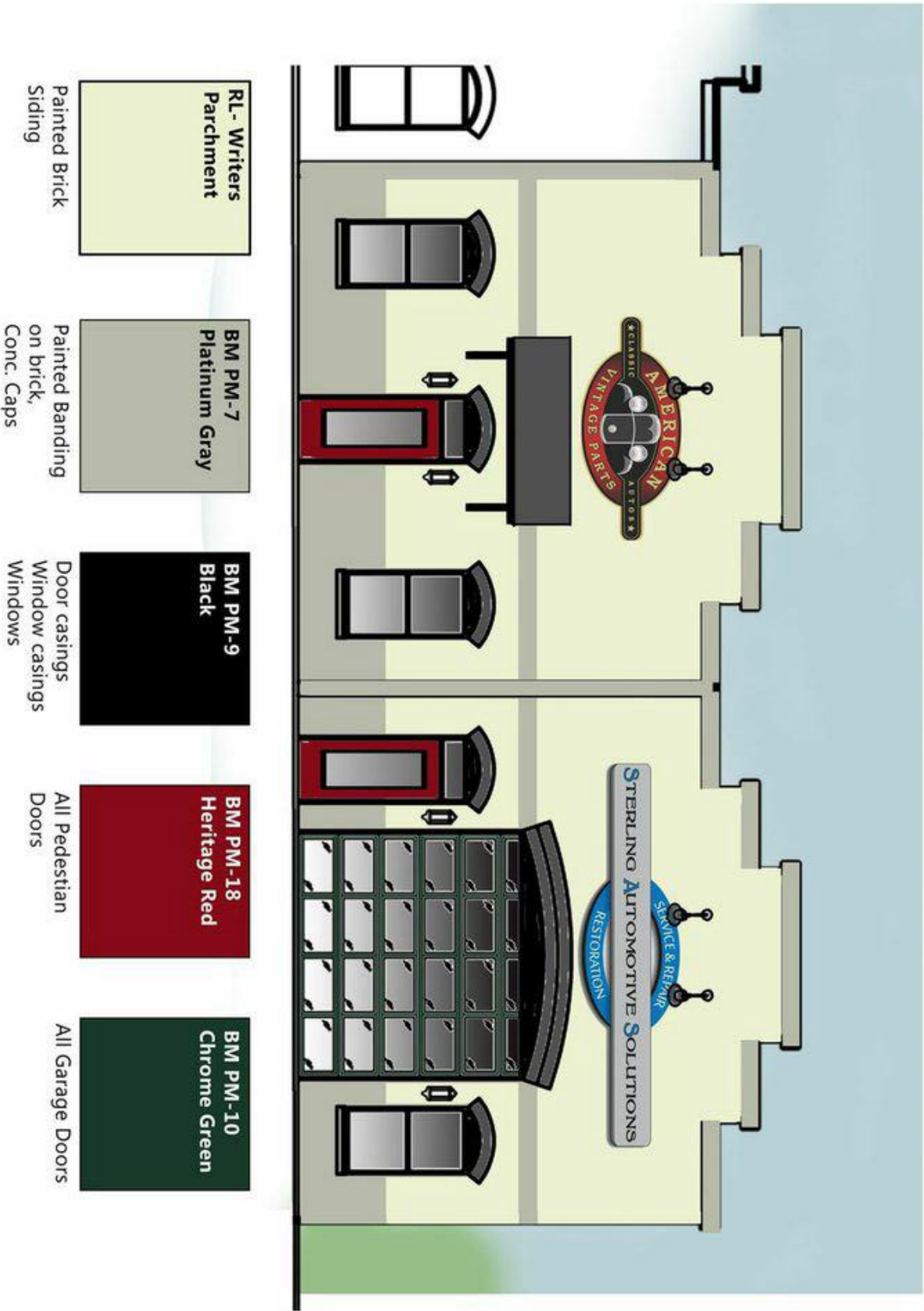


Exhibit D: Original Blacksmith Shop Architectural Detail

